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PREFIX TO STATUTES, 1938

CONTAINING CERTAIN DESPATCHES, PROCLAMATIONS
AND ORDERS IN COUNCIL

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OTTAWA
PRINTED BY JOSEPH OSCAR PATENAUDE, I.S.O.,
LAW PRINTER (FOR CANADA) TO THE KING'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1938

PART I—A

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PREFIX

DESPATCHES.

(Extracts from the LONDON GAZETTE of the 1st June, 1937)

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY
OF MAY, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

This day the Honourable Ernest Lapointe, K.C., (Minister of Justice and Attorney-General of the Dominion of Canada) was, by His Majesty's Command, sworn of His Majesty's Most Honourable Privy Council, and took his place at the Board accordingly.

M. P. A. HANKEY.

AT THE COURT OF BUCKINGHAM PALACE, THE 28TH DAY
OF MAY, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

This day The Right Honourable John, Lord Tweedsmuir, G.C.M.G., C.H., Governor-General of the Dominion of Canada, was, by His Majesty's Command, appointed a Member of His Majesty's Most Honourable Privy Council.

M. P. A. HANKEY.

DISALLOWANCE.

ALBERTA ACTS.

(Order in Council P.C. 1986, dated 17th August, 1937)

Whereas the Lieutenant Governor of the Province of Alberta, with the Legislative Assembly of that Province, did on the 6th day of August, 1937, pass—

1. "An Act to Provide for the Regulation of the Credit of the Province of Alberta";
2. "An Act to Provide for the Restriction of the Civil Rights of Certain Persons"; and
3. "An Act to amend The Judicature Act."

And Whereas the said Acts have been laid before the Deputy of His Excellency the Governor General in Council, together with a report from the Minister of Justice recommending that the said Acts should be disallowed;

Now, Therefore, the Deputy of His Excellency the Governor General in Council has thereupon this day been pleased to declare his disallowance of the said Acts and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Alberta and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. J. LEMAIRE,

Clerk of the Privy Council.

I, Sir Lyman Poore Duff, Deputy of His Excellency the Governor General, do hereby certify that the Acts passed by the Legislature of the Province of Alberta on the 6th day of August, 1937, and entitled:

1. "An Act to Provide for the Regulation of the Credit of the Province of Alberta";
2. "An Act to Provide for the Restriction of the Civil Rights of Certain Persons; and
3. "An Act to amend The Judicature Act" were received by me on the 10th day of August, 1937.

Given under my Hand and Seal this 17th day of August, 1937.

L. P. DUFF.

[L.S.]

(Order in Council, P.C. 1368, dated 15th June, 1938)

Whereas the Lieutenant Governor of the Province of Alberta, with the Legislative Assembly of that Province, did on the 8th day of April, 1938, pass:

1. "An Act for the Security of Home Owners" (c. 29, Statutes 1938); and
2. "An Act to impose a tax on certain securities in the year 1938" (c. 7, Statutes 1938);

And Whereas the said Acts have been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice recommending that the said Acts should be disallowed;

Now, Therefore, His Excellency the Governor General in Council has thereupon this day been pleased to declare his disallowance of the said Acts and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Alberta and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. J. LEMAIRE,

Clerk of the Privy Council.

I, the Right Honourable John Buchan, Baron Tweedsmuir of Elsfield, Governor General of Canada, do hereby certify that the Acts passed by the Legislature of the Province of Alberta on the 8th day of April, 1938, and entitled:

1. "An Act for the Security of Home Owners" (c. 29, Statutes 1938); and
2. "An Act to impose a tax on certain securities in the year 1938" (c. 7, Statutes 1938).

were received by me on the 23rd day of April, 1938.

Given under my Hand and Seal this 15th day of June, 1938.

TWEEDSMUIR.

[L.S.]

EXPORT OF GOLD ACT.**REGULATIONS CONTINUED IN FORCE.**

(Order in Council, P.C. 3124, dated 18th December, 1937).

Whereas by Order in Council of May 17, 1932, P.C. 1150, regulations respecting the export of gold whether in the form of coin or bullion from the Dominion of Canada, were made under the authority of the Gold Export Act;

And Whereas the said regulations were, by Order in Council of December 22, 1936, P.C. 3235, continued in force until December 31, 1937;

And Whereas, in the opinion of the Minister of Finance, it is expedient that the said regulations be continued in force beyond December 31, 1937;

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the provisions of the said The Gold Export Act, is pleased to order that the provisions of the said regulations be and they are hereby continued in force and effect until December 31, 1938, unless sooner rescinded by Order in Council.

E. J. LEMAIRE,
Clerk of the Privy Council.

PROCLAMATIONS OF CANADA, MAY, 1937 TO JULY, 1938

	DATE IN FORCE	CANADA GAZETTE
Acts proclaimed—		
Bank of Canada Act.....	15 Aug., 1938	Vol. 72, p. 185.
Canada Shipping Act, 1934 (Section 15 of c. 23 of 1936)....	1 Oct., 1937	Vol. 71, p. 44.
Canada-United Kingdom Trade Agreement.....	1 Sept., 1937	Vol. 71, p. 641. Extra, Aug. 31, 1937
Canada National Railways Capital Revision Act.....	1 May, 1937	Vol. 70, p. 2835. Extra, April 30, 1937.
Dairy Industry Act (Regulation 28 in provinces of Quebec and New Brunswick).....	1 June, 1937	Vol. 71, p. 45.
Juvenile Delinquents Act in Town of Souris, P.E.I.....	5 Feb., 1938	Vol. 71, p. 1979.
National Harbours Board Act (Boundaries of Harbour of Three Rivers).....	16 July., 1938	Extra, July 16, 1938.
National Housing Act, Part I.....	26 July., 1938	Vol. 72, p. 235.
New Zealand Trade Agreement (extended to 30th Sept., 1938).....	29 Sept., 1937	Vol. 71, p. 969. Extra, Oct. 1, 1937.
Nova Scotia and Prince Edward Island National Parks Act (lands in P.E.I.).....	6 April, 1937	Vol. 70, p. 2749.
Nova Scotia and Prince Edward Island National Parks Act (lands withdrawn).....	21 June, 1938	Vol. 72, p. 63. Extra, July 2, 1938.
Northern Pacific Halibut Fisheries (Convention) Act.....	10 Aug., 1937	Vol. 71, p. 423. Extra, Aug. 10, 1937.
Opium and Narcotic Drug Act.....	1 Aug., 1938	Vol. 72, p. 62.
Miscellaneous Proclamations—		
Administrator of the Government, L. A. Cannon, Senior Judge of the Supreme Court.....	2 July, 1938	Vol. 72, p. 62. Extra, July 1, 1938.
Alberta Acts, Disallowance of.....	27 Aug., 1937	Vol. 71, p. 686.
Animal Contagious Diseases Act, restricted areas in—		
Manitoba, Rural Municipality of North Cypress.....	15 April, 1937	Vol. 70, p. 2748.
Rural Municipality of Whitewater.....	20 May, 1937	Vol. 70, p. 3097.
City of Winnipeg.....	20 May, 1937	Vol. 70, p. 3097.
Rural Municipalities of Edward and Charleswood.....	24 June, 1937	Vol. 71, p. 131.
Rural Municipality of Oakland.....	9 Sept., 1937	Vol. 71, p. 760.
Rural Municipality of Ritchot.....	15 Sept., 1937	Vol. 71, p. 809.
Rural Municipality of North Norfolk.....	4 Mar., 1938	Vol. 71, p. 2316.
Rural Municipality of Cameron.....	14 Mar., 1938	Vol. 71, p. 2352.
Rural Municipality of Montcalm.....	16 June, 1938	Vol. 72, p. 12.
Ontario, District of Thunder Bay.....	20 May, 1937	Vol. 70, p. 3097.
Townships of Crosby North and Crosby South.....	17 June, 1937	Vol. 71, p. 44.
County of Lanark.....	28 July, 1937	Vol. 71, p. 423.
Island of St. Joseph.....	15 Sept., 1937	Vol. 71, p. 808.
County of Simcoe.....	10 Feb., 1938	Vol. 71, p. 2138.
County of Victoria.....	4 Mar., 1938	Vol. 71, p. 2316.
Townships of Rama and Mara, Co. of Ontario, and Lots 1 to 17 on Concessions A and One, Township of Morrison, Muskoka.....	18 May, 1938	Vol. 71, p. 3050.
District of Rainy River.....	28 Mar., 1938	Vol. 71, p. 2496.
Counties of Grey, Hastings and Waterloo.....	16 June, 1938	Vol. 72, p. 12.
County of Norfolk.....	6 July, 1938	Vol. 72, p. 127.
Quebec, Counties of Joliette and Montcalm.....	4 Feb., 1938	Vol. 71, p. 2067.
Saskatchewan, Rural Municipality of MacLeod, No. 185.....	14 Aug., 1937	Vol. 71, p. 623.
Birthday of His Majesty the King, 9th June, 1937, to be celebrated.....	1 April, 1937	Vol. 70, p. 2752.
Birthday of His Majesty the King, 9th June, 1938, to be celebrated.....	26 April, 1938	Vol. 71, p. 2789.
Canadian waters, restriction for Customs purposes.....	29 Jan., 1938	Vol. 71, p. 1929.
Coins, designs and dimensions, etc. Regulations for making for other British dominions or a foreign state.....	12 May, 1937	Vol. 70, p. 2752.
Fire Prevention Week (Oct. 3-Oct. 9).....	25 Sept., 1937	Vol. 71, p. 807.
	8 Sept., 1937	Vol. 71, p. 760. Extra, Sept. 11, 1937.
Harbour of Amherst, Magdalen Islands, P.Q., limits re- defined.....	20 Oct., 1937	Vol. 71, p. 1222.

PROCLAMATIONS OF CANADA, MAY, 1937 TO JULY, 1938—Conc.

	DATE IN FORCE	CANADA GAZETTE
Miscellaneous Proclamations—(concluded)		
Harbours, Public, declared—		
Banfield Creek, B.C.....	7 Mar., 1938	Vol. 71, p. 2352.
Crofton, B.C.....	31 Mar., 1938	Vol. 71, p. 2657.
Grindstone, Magdalen Islands, P.Q.....	29 May, 1937	Vol. 70, p. 3170.
Killarney, Ont.....	20 May, 1938	Vol. 71, p. 3049.
Nanoose Bay, B.C.....	7 Mar., 1938	Vol. 71, p. 2351.
Ucluelet Arm, B.C.....	7 Mar., 1938	Vol. 71, p. 2351.
Parliament, summoned for 27th Jan., 1938.....	16 Dec., 1937	Vol. 71, p. 1644.
Opened, Jan. 27, 1938.....	16 Dec., 1937	Extra, Dec. 17, 1937.
Prorogued, July 1, 1938.....	1 July, 1938	Vol. 71, p. 1956.
Thanksgiving Day, Oct. 11, 1937.....	10 July, 1937	Extra, Jan. 27, 1938.
Thanksgiving Day, Oct. 10, 1938.....	6 July, 1938	Vol. 72, p. 60.
		Extra, July 1, 1938.
		Vol. 71, p. 194.
		Vol. 72, p. 127.

Statutes
Can

ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
SECOND YEAR OF THE REIGN OF HIS MAJESTY

KING GEORGE VI

BEING THE
THIRD SESSION OF THE EIGHTEENTH PARLIAMENT

Begun and holden at Ottawa, on the Twenty-seventh day of January, 1938, and closed by
Prorogation on the First day of July, 1938



HIS EXCELLENCY THE RIGHT HONOURABLE
BARON TWEEDSMUIR OF ELSFIELD
GOVERNOR GENERAL

PART I
PUBLIC GENERAL ACTS

OTTAWA
PRINTED BY JOSEPH OSCAR PATENAUDE, I.S.O.
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1938

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2 GEORGE VI.

CHAP. 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

[Assented to 7th April, 1938.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency Preamble.
the Right Honourable Baron Tweedsmuir of Elsfield, etc., etc., Governor General of Canada, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 1, 1938.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-nine million, fifty-seven thousand, six hundred and twenty-four dollars and forty-nine cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, as laid before the House of Commons at the present session of Parliament.

\$39,057,624.49
granted for
1938-39.

Account
to be
rendered
in detail.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 2.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1938.

[Assented to 7th April, 1938.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency Preamble.
the Right Honourable Baron Tweedsmuir of Elsfield, etc., etc., Governor General of Canada, and the estimates accompanying the said message that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-eight, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 2 1938.

2. From and out of the Consolidated Revenue Fund \$36,717,668.24 granted for 1937-38.
there may be paid and applied a sum not exceeding in the whole thirty-six million, seven hundred and seventeen thousand, six hundred and sixty-eight dollars and twenty-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-seven, to the thirty-first day of March, one thousand nine hundred and thirty-eight, not otherwise provided for, set forth in the Schedule to this Act.

3. Notwithstanding the provisions of *The Consolidated Revenue and Audit Act, 1931*, the amounts appropriated Amounts chargeable to year ending 31st March, 1938.
by

by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and thirty-eight, and such payments shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-eight.

Account to
be rendered
in detail.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE

Based on Further Supplementary Estimates, 1937-38. The amount hereby granted is \$36,717,668.24, being the amount of each of the items in the Estimates as contained in this Schedule.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1938, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	AGRICULTURE		
441	Fruit—Further amount required.....	15,681 05	
442	To provide for payment of liabilities of Local Boards under the Natural Products Marketing Act, 1934.....	6,600 00	
			22,281 05
	SOLDIER AND GENERAL LAND SETTLEMENT		
443	To provide for payment to the Government of the Province of New Brunswick in accordance with the terms of the New Brunswick 500 British Family Amended Agreement of April 30, 1935, in respect of (a) the indebtedness of settlers on farms taken over by the Dominion Government listed in the schedule attached to the said Agreement to the extent provided in the said Agreement and (b) the Dominion Government proportion of losses on interest under section 8 (b) of the Agreement.....		572,975 01
	TRANSPORT—CHARGEABLE TO INCOME		
	RAILWAY SERVICE		
444	Maritime Freight Rates Act:— Additional amount, in excess of the sum of \$1,800,000 already appropriated, to authorize and provide for the payment from time to time during the fiscal year 1937-38 to the Canadian National Railway Company of the difference (estimated by the auditors of the said Company and certified by the said auditors to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1937, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	587,505 81	
445	Additional amount in excess of the sum of \$700,000 already appropriated to provide for payment from time to time during the fiscal year 1937-38 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Transport as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in section 9 of the said Act) on all traffic moved during 1937 under the tariffs approved by the following companies: Canada and Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton & Grand Lake Coal & Railway Company, and New Brunswick Coal and Railway Company; Cumberland Railway & Coal Company; Dominion Atlantic Railway; Maritime Coal, Railway & Power Company; Sydney & Louisburg Railway; Temiscouata Railway Company.....	94,951 96	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—CHARGEABLE TO INCOME —Concluded		
	RAILWAY SERVICE—Concluded		
446	Hudson Bay Railway: Amount to provide for the difference between expenditures for operation and maintenance and revenue accruing from operation during the year ending March 31, 1938—Further amount required.....	40,000 00	
447	Interest on rails rolled for Canadian National Railways: To provide for payment under the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for Canadian National Railways—Further amount required.....	11,110 50	
448	To provide for the cost of preservation of rails on hand at the mills of the Dominion Steel and Coal Corporation Limited at Sydney, N.S., rolled for the Canadian National Railway Company under the terms and conditions of Orders in Council P.C. 1076 of June 2, 1933 and P.C. 1462 of June 7, 1935.....	8,721 75	
449	To authorize the writing off to Consolidated Revenue Fund of the amount of \$53,895.18, being the amount charged to the Canadian National and the Canadian Pacific Railways, and representing the difference between the six per cent Sales Tax on which their contracts for railway equipment ordered under the provisions of the Supplementary Public Works Construction Act, 1935, were based, and the eight per cent Sales Tax imposed by Chapter 45 of the Statutes of 1936:		
	Canadian National Railways.....	24,394 34	
	Canadian Pacific Railway.....	29,500 84	796,185 20
	LABOUR		
450	Conciliation and Labour Act—Further amount required.....	13,000 00	
451	Employment Offices Co-ordination Act—Further amount required.....	2,000 00	15,000 00
	PUBLIC PRINTING AND STATIONERY		
452	Canada Gazette—Further amount required.....	3,000 00	
453	Codifying and printing 3,000 copies of the revised edition of the Criminal Code, 1927, English.....	4,041 77	7,041 77
	GOVERNMENT OF THE NORTHWEST TERRITORIES		
454	Expenses connected with the administration of the Territories—Further amount required.....		15,000 00
	MISCELLANEOUS		
455	To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council—Further amount required.....	275,000 00	
456	Administration of the Old Age Pensions Act—Further amount required.....	10,000 00	
457	To provide for payment of honorarium to A. S. Whiteley, Secretary to the Royal Commission on the Textile Industry.....	1,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MISCELLANEOUS— <i>Concluded</i>		
458	Additional temporary grant to the Province of Saskatchewan to enable that Province to continue essential services pending improvement in crop conditions and pending report of Royal Commission to investigate financial powers and responsibilities of the Dominion and the Provinces.	2,000,000 00	
459	Federal District Commission—To provide for maintenance and improvement of properties under the control of the Federal District Commission—Further amount required.	8,000 00	
460	Patent Record—Further amount required.....	3,500 00	
461	Adjustment of War Claims—Department of the Secretary of State.....	13,990 78	2,311,490 78
			3,739,973 81
	ITEMS SUPPLEMENTING VOTES BASED ON THE SPECIAL SUPPLEMENTARY ESTIMATES		
	AGRICULTURE		
462	To provide for feed and fodder relief in the dried-out areas—Further amount required.....	1,000,000 00	
463	To provide for direct relief in the dried-out areas—Further amount required.....	2,000,000 00	3,000,000 00
	GOVERNMENT OWNED ENTERPRISES		
	CANADIAN NATIONAL RAILWAY COMPANY		
464	Additional amount, in excess of the sum of \$35,000,000 already appropriated, and the sum of \$6,890,000 authorized by Governor General's Warrant, to be paid from time to time, under such conditions as the Minister of Finance may prescribe, to the Canadian National Railway Company (hereinafter called "the National Company") and to be applied by the National Company in payment of the deficit arising in the calendar year 1937, including such supplementary contribution to the Intercolonial and Prince Edward Island Railway Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including such supplementary contribution to the Grand Trunk Railway of Canada Superannuation and Provident Fund as may be necessary to enable payment to be made of monthly allowances under the rules and regulations of the Fund, notwithstanding the limitation contained in section thirteen of chapter sixty-five of the Statutes of Canada, 1874, but not including amounts charged to proprietor's equity of the National Railway System as defined in chapter twenty-two of the Statutes of Canada, 1937.....	455,867 99	
	TRANS-CANADA AIR LINES		
465	To hereby authorize and provide for payments from time to time during the fiscal year 1937-38 to Trans-Canada Air Lines, to be applied by the said Trans-Canada Air Lines in payment of the deficit (certified by the Auditor of the said Trans-Canada Air Lines to the Minister of Transport as and when required by the said Minister) resulting from the operations of the said Trans-Canada Air Lines during the calendar year 1937.....	111,005 07	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	GOVERNMENT OWNED ENTERPRISES— <i>Concluded</i>		
	NATIONAL HARBOURS BOARD		
466	To provide for payment to National Harbours Board of the amount of the deficit incurred in the calendar year 1937 in the operation of Prescott Elevator.....	23,858 32	
467	To provide for payment to National Harbours Board of the amount of the deficiency in working capital of the Harbour of Churchill, being the excess of accounts payable over accounts receivable as at January 1, 1937, the date of transfer to the said Board for administration.....	15,463 05	606,194 43
			3,606,194 43
	GOVERNOR GENERALS' WARRANTS, 1937-38		
468	To provide for assistance to sufferers from the flooding of areas in Western Ontario (Governor General's Warrant of May 5, 1937).....	15,000 00	
469	To provide for the purchase and distribution of feed and fodder for live stock in the drought areas, and in rural municipalities and local improvement districts not included in the drought areas, of Saskatchewan and Alberta; for freight charges and for the cost of moving equipment used in providing feed requirements; also expenses of marketing cattle in the drought areas (Governor General's Warrants of August 6, and October 29, 1937, and January 19, 1938)...	13,750,000 00	
470	To provide for direct relief expenditures in the drought areas of the Provinces of Saskatchewan and Alberta (Governor General's Warrant of September 29, 1937).....	7,640,000 00	
471	To provide for the purchase and distribution of foodstuffs in the drought areas of the Provinces of Saskatchewan and Alberta (Governor General's Warrant of September 29, 1937).....	1,000,000 00	
472	To provide for equipment for the Radio Station at Fort Smith, Northwest Territories, destroyed by fire on November 16, 1937 (Governor General's Warrant of December 15, 1937).....	6,500 00	
473	To provide for additional expenses of the Royal Commission on Dominion-Provincial Relations (Governor General's Warrant of January 19, 1938).....	70,000 00	
474	To provide an amount additional to that provided under Vote 361 of the Special Supplementary Estimates for 1937-38 to cover the net income deficit of the Canadian National Railways (Governor General's Warrant of January 26, 1938).....	6,890,000 00	29,371,500 00
	Total.....		36,717,668 24

2 GEORGE VI.

CHAP. 3.

An Act respecting the appointment of Auditors for National Railways.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1932-33, c. 33;
1934, c. 3;
1935, c. 1;
1936, c. 21;
1937, c. 3.

1. Notwithstanding the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1933, as enacted by section three of chapter twenty-five of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1938, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Appointment
of auditors.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 4.

An Act to amend the Canada Evidence Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 59;
1931, c. 5.

1. Subsection two of section four of the *Canada Evidence Act*, chapter fifty-nine of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

“(2) The wife or husband of a person charged with an offence against any of the sections two hundred and two to two hundred and six inclusive, two hundred and eleven to two hundred and nineteen inclusive, two hundred and thirty-eight, two hundred and thirty-nine, two hundred and forty-two subsection three, two hundred and forty-four, two hundred and forty-five, two hundred and ninety-eight to three hundred and two inclusive, three hundred and eight to three hundred and eleven inclusive, three hundred and thirteen to three hundred and sixteen inclusive, and three hundred and fifty-four of the *Criminal Code*, shall be a competent and compellable witness for the prosecution without the consent of the person charged.”

Wife or
husband
competent
and
compellable
witnesses
for
prosecution.

R.S., c. 36.

2. Section twenty-six of the said Act as amended by section one of chapter five of the statutes of 1931, is further amended by adding, immediately after subsection two thereof, the following subsection:

“(3) Where by any statute of Canada or regulation thereunder provision is made for sending by mail any request for information, notice or demand by a department or other branch of the public service, an affidavit of an officer of the department or other branch of the public service sworn before any commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has a knowledge of the facts in the particular case, that such a request, notice or

Proof of
mailing
departmental
request,
notice or
demand.

demand was sent by registered letter on a named date to the person or firm to whom it was addressed (indicating such address) and that he identifies as exhibits attached to such affidavit the Post Office certificate of registration of such letter and a true copy of such request, notice or demand, shall, upon production and proof of the Post Office receipt for the delivery of such registered letter to the addressee, be received as *prima facie* evidence of such sending and of such request, notice or demand."

3. Subsection two of section twenty-nine of the said Act is repealed and the following substituted therefor:—

Reception
in evidence.

"(2) (a) A copy of an entry in such book or record shall not be received in evidence under this section unless it be first proved that the book or record was, at the time of the making of the entry, one of the ordinary books or records of the bank and that the entry was made in the usual and ordinary course of business, and that the book or record is in the custody or control of the bank and that such copy is a true copy thereof; and such proof may be given by the manager or accountant of the bank and may be given orally or by affidavit sworn before any commissioner or other person authorized to take affidavits.

Proof
how given.

Cheques,
proof of
"no account."

(b) Where a cheque has been drawn on any bank or branch thereof by any person, an affidavit of the manager or accountant of such bank or branch, sworn before any commissioner or other person authorized to take affidavits, setting out that he is such manager or accountant, that he has made a careful examination and search of the books and records for the purpose of ascertaining whether or not such person has an account with the bank or branch, and that he has been unable to find such an account, shall be received as *prima facie* evidence that such person has no account in such bank or branch."

2 GEORGE VI.

CHAP. 5.

An Act to amend The Canada Grain Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1930, c. 5;
1932-33,
cc. 9, 24;
1934, c. 26.

1. Subsection two of section one hundred and twenty-five of *The Canada Grain Act*, chapter five of the statutes of 1930, is repealed and the following substituted therefor:—

“(2) All western wheat received into any licensed semi-public or private terminal elevator and graded into any of the four grades first specified in Schedule One to this Act, or graded into the grades of No. 1 C.W. Garnet or No. 2 C.W. Garnet specified in the said Schedule, shall be binned with grain of the same grade and not otherwise.”

Applies to specific grades in semi-public or private terminal elevators.

2. Subsection four of section one hundred and thirty-eight of the said Act is repealed and the following substituted therefor:—

“(4) The provisions of the next preceding subsections shall apply to such western wheat of the four grades first specified in Schedule One to this Act and to the grades of No. 1 C.W. Garnet and No. 2 C.W. Garnet specified in the said Schedule as is in or has been received into any semi-public or private terminal elevator.”

Applies to specific grades in semi-public and private terminal elevators.

3. That part of Schedule One of the said Act, as amended by sections two and three of chapter twenty-six of the statutes of 1934, relating to Red Spring Wheat and Canadian Western Garnet, is repealed and the Schedule to this Act substituted therefor.

Schedule One amended.

4. This Act shall come into force on the first day of August, 1938.

Commencement of Act.

SCHEDULE.
STATUTORY GRADES OF WESTERN GRAIN
RED SPRING WHEAT

Number and name of grade	Minimum weight per bushel in pounds	Variety of grain	Percentage by weight of hard vitreous kernels	Standard of quality	Maximum Limits of:			
					Foreign material other than dockage	Wheats of other classes or varieties		Total including Durum %
						Matter other than cereal grains	Durum	
No. 1 Manitoba Hard....	62	Marquis or equal to Marquis	% 80	Sound and well matured.....	Free.....	Free.....	%	
No. 1 Manitoba Northern	60	Marquis or equal to Marquis	65	Well matured, practically free from damaged kernels.	Free.....	Practically Free.	Practically Free.	1
No. 2 Manitoba Northern	58	Marquis or equal to Marquis	50	Reasonably well matured, reasonably free from damaged kernels.	Free.....	About 1%...	1	3
No. 3 Manitoba Northern	57	Red Spring Wheat of fair milling quality excluding Garnet.	25	Reasonably well matured, reasonably free from damaged kernels.	Reasonably Free.	About 2%...	3	10
No. 4 Manitoba Northern	57	Red Spring Wheat excluding Garnet.		Reasonably well matured, but excluded from preceding grades on account of frosted or otherwise damaged kernels.	Reasonably Free.	About 2½%.	4	10
or.....	55	Red Spring Wheat excluding Garnet.		Rusted or shrunken but otherwise reasonably sound.	Reasonably Free.	About 2½%.	4	10
No. 1 C.W. Garnet.....	60	Garnet.....	65	Well matured. Practically free from damaged kernels.	Free.....	Practically Free.	Practically Free.	5
No. 2 C.W. Garnet.....	58	Garnet.....	50	Reasonably well matured, reasonably free from damaged kernels.	Practically Free.	About 1%...	1	10
No. 3 C.W. Garnet.....	57	Garnet.....	35	Reasonably well matured, reasonably free from damaged kernels.	Reasonably Free.	About 2%...	3	15

1 GEORGE VI.

CHAP. 6.

An Act to amend Part V of the Canada Shipping Act, 1934.
(Sick Mariners and Marine Hospitals.)

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 44;
1936, c. 23.

1. Subsection one of section three hundred and five of the *Canada Shipping Act, 1934*, chapter forty-four of the statutes of 1934, is repealed and the following substituted therefor:—

“305. (1) There shall be levied and collected on every ship arriving in any port in the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia or in any port on Hudson Bay or James Bay in the provinces of Manitoba or Ontario, hereinafter called “the said provinces”, a duty of two cents for every ton which such ship measures, register tonnage: Provided that such duty shall not be levied or collected on

Duty on
all vessels
unless
exempted.

- (a) a ship engaged in the coasting trade of Canada which has not made a payment on account of such duty during the calendar year and which arrives at any port in any of the said provinces from any other port in the same province or which arrives at any port in the province of Quebec from any port in the province of Ontario; or
- (b) a ship which came from and is returning or proceeding immediately to a place out of Canada and has paid duty since arrival in a previous port of call in Canada; or
- (c) a ship which is a barge, scow or lighter, which does not carry any crew and is not self-propelling.”

2 GEORGE VI.

CHAP. 7.

An Act to amend the Civil Service Act.

[Assented to 7th April, 1938.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 22;
1929, c. 38;
1932, c. 40.

1. Section twenty of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

“20. Except where otherwise expressly provided, all appointments to the civil service shall be upon competitive examination under and pursuant to the provisions of this Act, and shall be during pleasure: Provided that no appointment, whether permanent or temporary, shall be made to a local position within a province, and no employee shall be transferred from a position in a province to a local position in the same or in another province, whether permanent or temporary, until and unless the candidate or employee has qualified, by examination, in the knowledge and use of the language of the majority of the persons with whom he is required to do business: provided that such language shall be the French or the English language.”

Method and
tenure of
appointments.
Proviso.

2. Section thirty-two of the said Act is repealed and the following substituted therefor:—

Examinations
in English
or French.

“32. Subject to the provisions of section twenty of this Act, every examination under this Act shall be held in the English or French language, at the option of the candidate; and notice of every examination shall be published in the English and French languages in the *Canada Gazette*, and such notice shall state the number of positions that it is expected will be open for appointments, the positions that are then vacant, and in each case the qualifications required for such positions.”

2 GEORGE VI.

CHAP. 8.

An Act to amend The Dominion Franchise Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 51;
1935, c. 37;
1936, cc. 4, 36;
1937, c. 9.

1. Section twenty of *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934, as enacted by section one of chapter nine of the statutes of 1937, is repealed, and the following substituted therefor:—

“20. Annually, beginning with the year one thousand nine hundred and thirty-five, except in the years one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, and not later than the first day of April in any year, the Commissioner shall issue and publish in the *Canada Gazette* a Proclamation in Form No. 24 calling on a revision of the then existing lists of electors in all polling divisions, to commence on the fifteenth day of May next ensuing.”

Annual
revision
of lists.

2. Section twenty-two of the said Act, as enacted by section two of chapter nine of the statutes of 1937, is repealed, and the following substituted therefor:—

“22. The days between the fifteenth day of May and the first day of July in each year, except in the years one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, shall be a revisal period during which all Registrars of Electors shall, pursuant to this Act and in the manner indicated in this Part, make and certify revised lists of electors for all polling divisions.”

Revisal
period.

2 GEORGE VI.

CHAP. 9.

An Act to amend The Opium and Narcotic Drug Act, 1929.

[Assented to 7th April, 1938.]

HIS MAJESTY, by and with the consent of the Senate 1929, c. 49;
and House of Commons of Canada, enacts as follows:— 1932, c. 20.

1. Paragraph (a) of subsection one of section three of *The Opium and Narcotic Drug Act, 1929*, chapter forty-nine of the statutes of 1929, is repealed and the following substituted therefor:—

“(a) issue licences for the import, export, sale, manufacture, production and distribution at a stated place of any drug.” Licences.

2. Paragraph (f) of subsection one of section four of the said Act is repealed and the following substituted therefor:—

“(f) manufactures, sells, gives away, delivers or distributes or makes any offer in respect of any drug, or any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister, or without other lawful authority;” Manufacture, sale, etc., without licence.

3. Subsection one of section four of the said Act is further amended by adding immediately after paragraph (f) thereof the following paragraph:—

“(g) cultivates, gathers or produces any opium poppy (*Papaver Somniferum*) or Cannabis Sativa, except under the authority of a licence from the Minister first had and obtained.” Opium poppy or Cannabis Sativa, cultivation, etc.

4. Paragraph (a) of subsection one of section nine of the said Act, as enacted by section four of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

“(a) manufactures, imports or exports any drug mentioned in the Schedule to this Act or sells or distributes any drug mentioned therein and neglects or refuses to Neglect to keep records.

keep the record required by any regulation made under this Act; or”

5. Section seventeen of the said Act is repealed and the following substituted therefor:—

Burden of proof on charge of unlawful possession against persons occupying or in possession of premises, etc., where drug is found.

“17. Without limiting the generality of paragraph (d) of section four of this Act, any person who occupies, controls, or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug or article mentioned in section eleven is found, shall, if charged with having such drug or article in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug or article was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof.”

6. Section twenty-four of the said Act is repealed and the following substituted therefor:—

Additions to Schedule.

“24. The Governor in Council may, from time to time, add to or subtract from or change from one Part to the other of the Schedule to this Act, any alkaloids, derivatives or preparations of drugs or similar synthetic preparations, the inclusion or exclusion of which is by him deemed necessary in the public interest, and every order in council made in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.”

Publication.

7. Section twenty-seven A of the said Act, as enacted by section six of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

Application of certain sections of the Act.

“27A. The provisions of paragraph (a) of section four, except so far as they relate to importation or exportation, and of paragraphs (d) and (e) of the said section four, and sections five, seven, eight, eleven, twelve, thirteen and seventeen, of this Act, shall not apply to the drugs mentioned in Part II of the Schedule to this Act.”

8. Paragraph (1) of Part I of the Schedule to the said Act, as enacted by section seven of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

“PART I.

Schedule Part I.

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including codeine, paracodeine or apomorphine.”

9. Part I of the Schedule to the said Act is further amended by adding immediately after paragraph (8) thereof the following paragraph:—

“(9) The Opium Poppy (*Papaver Somniferum*) or any portion thereof, whether dried or otherwise, except the seed.” Opium Poppy.

10. Part II of the Schedule to the said Act, as enacted by section seven of chapter twenty of the statutes of 1932, is amended by adding at the end thereof the following:—

“Dihydrocodeine (Paracodeine).”

Dihydro-
codeine
(Paraco-
deine).

11. This Act shall come into force upon a date to be fixed by Proclamation of the Governor in Council. Commence-
ment of Act.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 10.

An Act to authorize an Agreement between His Majesty the King and the Corporation of the City of Ottawa.

1920, c. 15;
1924, c. 59;
1925, c. 21;
1931, c. 43;
1932, c. 11;
1932-33, c. 17;
1934, c. 7;
1935, c. 7;
1936, c. 14;
1937, c. 37.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Minister of Public Works may on behalf of His Majesty the King enter into an Agreement with the Corporation of the City of Ottawa, hereinafter called "the Corporation", extending for a period of one year from the first day of July, 1937, the provisions of the existing Agreement between His Majesty the King and the said Corporation, dated the thirtieth day of March, 1920, which last mentioned Agreement, as amended, was extended to the first day of July, 1937, under the authority of chapter thirty-seven of the statutes of 1937.

Agreement
with City
of Ottawa
extended for
one year.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 11.

An Act to amend the Penitentiary Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection four of section forty-four of the *Penitentiary Act*, chapter one hundred and fifty-four of the Revised Statutes of Canada, 1927, as enacted by section nine, chapter twenty-seven of the statutes of 1932-33, is repealed and the following substituted therefor:

“(4) Subject to the provisions of subsection two of section one thousand and nineteen of the *Criminal Code*, any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section shall not be computed as time served in the execution of his sentence, unless he be so detained pending an appeal by the Attorney General or counsel for the Crown.”

R.S., c. 154;
1932-33, c. 27.

Period of
confinement
not to be
computed
as time
served.
R.S., c. 36.

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 12.

An Act to amend the Railway Act. (Telephone Tolls).

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 170;
1928, c. 43;
1929, c. 54;
1930, c. 36;
1932-33, c. 47.

1. Section three hundred and seventy-five of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended by inserting therein, immediately after subsection five thereof, the following subsection:—

Telephone companies.

“(5A) The Board may, from time to time upon application, deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate area or telephone exchange area and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of this Act, may require the company to substitute tolls satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company.”

Tolls, rates and services.

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2 GEORGE VI.

CHAP. 13.

An Act to assist the Provinces of Alberta and Saskatchewan in financing the cost of seed and seeding operations for the crop year 1938.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Seed Grain Loans Guarantee Act, 1938*. Short title

2. The Governor in Council, subject to the provisions of this Act, may authorize the guarantee of the principal and interest of any loans by any chartered bank guaranteed by the province of Alberta under the authority of *The Agricultural Relief Advances Act* of Alberta and any amendments thereto, or any Act passed in substitution therefor, for purchasing seed grain and providing other assistance to farmers in connection with seeding operations during the spring of 1938; provided however that the liability of the Government of Canada in respect of principal under all guarantees given under this section shall be limited to one million nine hundred thousand dollars. Dominion guarantee of bank loans in respect to Alberta.

Not to exceed \$1,900,000.

3. The Governor in Council, subject to the provisions of this Act, may authorize the guarantee of the principal and interest of any loans by any chartered bank guaranteed by the province of Saskatchewan under the authority of *The Municipalities Seed Grain and Supply Act, 1938*, of Saskatchewan, *The Local Improvement Districts Act, 1936*, of Saskatchewan, or of *The Local Improvement Districts Relief Act* of Saskatchewan, and any amendments thereto, or any Acts passed in substitution therefor, for purchasing seed grain and providing other assistance to farmers in connection with seeding operations during the spring of 1938; provided however that the liability of the Government of Dominion guarantee of bank loans in respect to Saskatchewan.

Not to
exceed
\$14,500,000.

Canada in respect of principal under all guarantees given under this section shall be limited to fourteen million five hundred thousand dollars.

Governor
in Council
to approve
form and
terms of
guarantees.

4. The guarantee or guarantees given under the authority of this Act may be in such form and on such terms and conditions as the Governor in Council may approve and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance or by such other person as the Governor in Council may from time to time designate.

Terms of
guarantee.

5. No guarantees shall be given under the authority of this Act,

(i) unless provision is made that the liability of the province and the Government of Canada in respect of any such loan guaranteed by them shall be separate and successive and not joint and that the Government of Canada shall only be liable to fulfil its guarantee in respect of any loan to the amount that the province is unable to fulfil its guarantee in respect of the same loan;

(ii) unless the guarantee given by a province contains a condition providing that the province shall not be required to fulfil its guarantee before the expiration of three years after the date when any such loan was made by a chartered bank which condition, however, shall not prevent the province from making from time to time, before the expiration of such three years, voluntary payments of interest unpaid by the borrowers;

(iii) unless provision is made that if the Government of Canada is required to pay any amount in respect of any such guarantee, the province shall deliver to the Minister of Finance treasury bills or other obligations of the province in such form and subject to such terms and conditions as the Minister of Finance may approve, equal in principal amount to the amount which the Government of Canada is so required to pay.

Payment
out of
Consolidated
Revenue
Fund.

6. The Minister of Finance may pay out of any unappropriated moneys in the Consolidated Revenue Fund the amounts necessary to fulfil any guarantee given under the authority of this Act.

When
province
deemed
unable to
fulfil its
guarantee.
Orders and
regulations.

7. The Governor in Council may by order define the circumstances under which a province shall be conclusively deemed unable to fulfil its guarantee.

8. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

9. All Orders in Council and regulations made under this Act shall be laid before the House of Commons forthwith after the making thereof, if Parliament is then sitting, or, if not, such Orders in Council or regulations or any abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette*.

Orders and regulations to be laid before House of Commons or published in *Canada Gazette*.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 14.

An Act to amend the Soldier Settlement Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 188;
1928, c. 48;
1930, c. 42;
1931, c. 53;
1932, c. 53;
1932-33, c. 49;
1934, c. 41;
1935, c. 66;
1936, c. 10.

1. Subsection two of section sixty-six of the *Soldier Settlement Act*, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

“(2) Notwithstanding anything to the contrary in this Act if the settler fails or neglects to pay any lawful rates, taxes or assessments or to keep such property insured as aforesaid then it shall be lawful for the Board to pay such rates, taxes or assessments or to insure such property as aforesaid and all moneys so expended by the Board either before or after the enactment hereof, shall be repaid by the settler on demand with interest at the rate of five per centum per annum computed from the time of advancing the same, and in the meantime the amount of such payment shall be added to the purchase price of such property or shall become a part of the principal secured by any charge, lien or mortgage in favour of the Board, as the case may be, and may in the discretion of the Board be made repayable at the time appointed for the payment of the next instalment in connection with the account to which such indebtedness is charged.”

Payment of rates, taxes, insurance, etc., by Board in case of default on part of settler.

Amount added to purchase price and repayable at discretion of Board.

2. Subsection one of section seventy-three of the said Act, as enacted by section one of chapter ten of the statutes of 1936, is repealed and the following substituted therefor:—

“73. (1) Any settler or person indebted in respect of any contract or agreement made prior to the first day of January, 1933, under the provisions of this Act, who after the thirty-first day of March, 1933, makes payment on or before the thirty-first day of March, 1941, in respect of

Time extended for credit on payments of arrears.

any arrears due and payable before the first day of April, 1938, shall, subject to the provisions of this section, receive credit toward payment of such arrears for a further sum equal to the payment made."

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 15.

An Act to amend The Trans-Canada Air Lines Act, 1937.

[Assented to 7th April, 1938.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. *The Trans-Canada Air Lines Act, 1937*, chapter forty-three of the statutes of 1937, is amended by adding immediately after section fourteen thereof, the following section:

“14A. The Corporation may, with the approval of the Governor in Council, purchase or otherwise acquire, hold, pledge and dispose of shares in the capital stock of a company to be incorporated under the laws of England upon application by the following companies, acting in co-operation, namely, Imperial Airways Limited or such other company as may be nominated by the Government of the United Kingdom, Aer-Rianta, Teoranta, or such other company as may be nominated by the Government of Eire, and the Corporation, for the purposes, *inter alia*, of establishing and carrying on the business of an aerial transport company operating a trans-Atlantic air transport service between Europe and North America.”

Trans-Atlantic business.

2. Subsection one of section fifteen of the said Act, is repealed and the following substituted therefor:—

“15. (1) The Governor in Council may authorize the Minister to enter into a contract with the Corporation (to be known as the Trans-Canada contract) for the organization, operation and maintenance by the Corporation of lines of aircraft (to be known as the Trans-Canada Lines) for the speedy and efficient transport of passengers, and goods across Canada and between and within the several provinces thereof, and between points in Canada and points outside of Canada, over routes wholly within or partly within and partly outside of Canada.”

Minister may contract with Corporation.

Operation of lines within and outside Canada.

2 GEORGE VI.

CHAP. 16.

An Act to amend The War Veterans' Allowance Act.

[Assented to 7th April, 1938.]

HIS Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1930, c. 48:
1936, c. 48.

1. (1) Section two of *The War Veterans' Allowance Act*, chapter forty-eight of the statutes of 1930, is amended by adding immediately after paragraph (*h*) the following paragraph:—

“(hh) ‘The South African War’ means the war between the United Kingdom of Great Britain and Ireland and the Dutch Republics in South Africa, the dates of the commencement and conclusion of which are to be deemed for the purpose of this Act to be the eleventh day of October, 1899, and the thirty-first day of May, 1902, respectively;”

“The South African War.”

(2) The said section is further amended by adding immediately after subparagraph (ii) of paragraph (*i*) the following subparagraph:—

“(iii) In the case of the South African War, the zone of military operations in South Africa in which the forces of the United Kingdom of Great Britain and Ireland were engaged prior to the first day of June, 1902.”

“Theatre of actual war.”

(3) The said section is further amended by adding immediately after subparagraph (ii) of paragraph (*j*) the following subparagraph:—

“(iia) Any person domiciled in Canada immediately prior to the eleventh day of October, 1899, who served with the forces of the United Kingdom of Great Britain and Ireland in South Africa during the South African War; provided that such person landed in South Africa prior to the first day of June, 1902, and”

“Veteran.”

(4) The said section is further amended by adding immediately after subparagraph (iv) of paragraph (*j*) the following subparagraph:—

"Veteran."

"(v) Any former member of a Canadian contingent who served in South Africa during the South African War; provided that such former member of a Canadian contingent landed in South Africa prior to the first day of June, 1902."

2. (1) Subsection one of section three of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

War
Veterans'
Allowance
Board.

"3. (1) There shall be a Board to be known as the War Veterans' Allowance Board, hereinafter called the 'Board,' which shall consist of not less than three nor more than five members to be appointed by the Governor in Council, one of whom shall be appointed chairman and shall receive a salary of seven thousand dollars a year, and each of the other members shall receive a salary of six thousand dollars a year; provided that the Governor in Council may appoint, to be additional members of the Board, without remuneration as such, the Deputy Minister and, as his alternate, the Assistant Deputy Minister, and one other person who is not on the staff of the Department."

(2) Subsection five of the said section is amended by inserting after the word "subsection" in the fourth and fifth lines thereof the following words:—

Superannu-
ation rights.

"or from the date of his appointment to the Board."

(3) The said section is further amended by adding thereto the following subsection:—

Powers of
Chairman
of Board.

"(7) The Chairman of the Board shall have control and direction over the disposition and duties to be performed by the other members and shall have control over the duties to be performed by such staff as may be assigned to the Board by the Department."

3. Section three A of the said Act, as enacted by section two of chapter forty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

Powers of
the Board.

"3A. Subject to the provisions of this Act, the Board shall have full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any allowance under this Act and to the recovery of any overpayment which may have been made; and effect shall be given by the Department and the Comptroller of the Treasury to the decisions of the Board."

4. Section four of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

"4. (1) Subject as hereinafter provided allowances under this Act shall be payable with the approval of the Board to any veteran who has been domiciled in Canada for the six months immediately preceding the date of the proposed commencement of the allowance, and who

Veterans to whom allowances payable.

(a) has attained the age of sixty years, or

(b) has not attained the age of sixty years, but is, in the opinion of the Board, permanently unemployable because of physical or mental disability, or

(c) does not qualify by age or disability under the two preceding paragraphs, but having served in a theatre of actual war, is in the opinion of the Board incapable and unlikely to become capable of maintaining himself because of economic handicaps combined with physical or mental disability or insufficiency.

(2) The provisions of paragraph (c) of subsection one shall not be construed to apply to any veteran who is, in the opinion of the Board, physically and mentally capable of maintaining himself if work were available.

Physically and mentally capable veterans not entitled.

(3) An allowance shall not be awarded or continued under this Act to a veteran or a recipient while such veteran or recipient is in receipt of an old age pension awarded under any provincial old age pension legislation adopted in pursuance of an agreement made under the authority of the *Old Age Pensions Act*."

Recipient of old age pension not entitled.

R.S., c, 156.

5. Section seven of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is amended by adding thereto, immediately after paragraph (b), the following paragraph:—

"(bb) any pension or grant received by him by reason of his having been awarded the Victoria Cross, the Military Cross or the Distinguished Conduct Medal, or"

Certain deductions not to be made.

2 GEORGE VI.

CHAP. 17.

An Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.

[Assented to 7th April, 1938.]

HIS MAJESTY, by and with the advice and consent of ^{1912, c. 55.} the Senate and House of Commons of Canada, enacts as follows:—

1. Section three of *The Winnipeg and St. Boniface Harbour Commissioners Act*, chapter fifty-five of the statutes of Canada, 1912, is amended by adding thereto the following paragraph:—

“(g) ‘municipality’ means a municipality contiguous to the city of Winnipeg or the city of St. Boniface, and lying along the Red River, and any such municipality shall, for the purposes of this Act, be deemed to include within its limits that portion of the Red River between such municipality and the centre line of the said River and between the productions respectively of the northerly and southerly boundaries of the said municipality from the points of intersection of the said boundaries with the said River to the points of intersection of the productions of the said boundaries with the centre line of the said River.” ^{“Municipality.”}

2. Section four of the said Act is repealed and the following substituted therefor:—

“4. (1) For the purposes of this Act, the harbour of Winnipeg and St. Boniface shall be deemed to include all the waters within the limits of the cities of Winnipeg and St. Boniface at the time of the passing of this Act and of such municipalities as may be brought within the provisions of this Act under subsection two hereof. ^{Harbour limits.}

(2) With the consent of any municipality, expressed by by-law of the council thereof, the waters within such municipality may be added to the harbour by a by-law to ^{Additions to harbour.}

that effect made by the Corporation and confirmed by the Governor in Council and published in the *Canada Gazette*."

Additional
commis-
sioners.

3. Section six of the said Act is amended by adding thereto the following subsection:—

"(4) Whenever the waters within any municipality are added to the harbour, in accordance with the provisions of this Act, the number of commissioners constituting the Corporation shall be increased by the addition of one commissioner appointed by by-law of the council of such municipality and all the provisions of this Act applicable to a commissioner shall apply to every commissioner so appointed."

Quorum.

4. Section nine of the said Act is amended by adding thereto the following subsection:—

"(2) If the number of commissioners is increased under the provisions of subsection four of section six of this Act the quorum for the transaction of business shall be increased by the addition of one commissioner for each additional commissioner appointed."

Surplus
profits
disposition.

5. Section fifteen of the said Act is repealed and the following substituted therefor:—

"15. After providing for the cost of management of all the property which the Corporation owns, controls or manages under the preceding sections, and after providing for the cost of works or improvements under way or contemplation, and for the performance of the other duties imposed upon the Corporation and for capital charges and interest upon money borrowed by the Corporation for improvements, and for all other liabilities of the Corporation, and for a sinking fund to pay off any indebtedness incurred by the Corporation, any surplus profits shall be the property of the city of Winnipeg and the city of St. Boniface and such municipalities as may be brought within the provisions of this Act, as their respective interests may appear, and shall be paid over by the Corporation to the city or municipal treasurer in each case."

Books, etc.,
to be open
to inspection.

6. Section sixteen of the said Act is repealed and the following substituted therefor:—

"16. All books, documents and papers having reference to the management and development of any property under the control of the Corporation shall at all times be open for inspection by the audit departments of the city of Winnipeg and of the city of St. Boniface and of such municipalities as may be brought within the provisions of this Act, and the Corporation shall keep separate accounts as between the city of Winnipeg and the city of

Separate
accounts.

St. Boniface and the said municipalities of all moneys borrowed, received and expended by it under the authority of this Act, and shall account for all moneys annually to the councils of the cities of Winnipeg and St. Boniface and the said municipalities and to the Governor in Council, in such manner or form as he may direct."

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 18.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

[Assented to 25th May, 1938.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honourable Baron Tweedsmuir of Elsfield, etc., etc., Governor General of Canada, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Preamble.

1. This Act may be cited as *The Appropriation Act, No. 3, 1938.* Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-nine million, fifty-seven thousand, six hundred and twenty-four dollars and forty-nine cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, as laid before the House of Commons at the present session of Parliament.

\$39,057,624.49
granted for
1938-39.

\$17,751,572.68
granted for
1938-39.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seventeen million, seven hundred and fifty-one thousand, five hundred and seventy-two dollars and sixty-eight cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Supplementary Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, as laid before the House of Commons at the present session of Parliament.

Account
to be
rendered
in detail.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 19.

An Act respecting a certain Trade Agreement between
Canada and Guatemala.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. This Act may be cited as the *Canada-Guatemala Trade Agreement Act, 1938*. Short title.

2. The Trade Agreement between Canada and Guatemala set out in the Schedule to this Act is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada. Agreement approved.

3. The Governor in Council may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Trade Agreement. Orders in Council authorized.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

SCHEDULE.

TRADE AGREEMENT BETWEEN CANADA AND GUATEMALA.

The Government of Canada and the Government of Guatemala, desiring to further facilitate and develop the commercial relations existing between Canada and Guatemala, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

ARTICLE I.

Canada and Guatemala will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either country shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Guatemala and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which is or may hereafter be granted by Canada or Guatemala in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Canada or Guatemala, respectively.

ARTICLE II.

Neither Canada nor Guatemala shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Guatemala for the importation of any article, it is agreed that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Guatemala agree to extend to each other every favour granted to a third country.

The advantages and provisions contained in the present article and in Article IV shall not be applicable to the importation, production or sale of matches, wax matches and lighters, in view of the existing laws in Guatemala on the monopoly of such goods.

ARTICLE III.

Articles the growth, produce or manufacture of Canada or Guatemala shall, after importation into the other country be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to granting of national treatment shall not affect the laws now in force in Canada whereby leaf tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Guatemala of special excise taxes imposed under existing provisions of the *Special War Revenue Act*. In these respects, however, most-favoured-nation treatment shall apply.

ARTICLE IV.

In the event that the Government of Canada or the Government of Guatemala establishes or maintains an official monopoly or centralized agency for the importation of or trade in a particular commodity, the Government establishing or maintaining such monopoly or centralized agency will give sympathetic consideration to all representations that the other Government may make with respect to alleged discriminations against its commerce in connection with purchases by such monopoly or centralized agency.

ARTICLE V.

The tariff advantages and other benefits provided for in this Agreement are granted by Canada and Guatemala to each other subject to the condition that if the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

ARTICLE VI.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

ARTICLE VII.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII.

The advantages now accorded or which may hereafter be accorded by either country to adjacent countries in order to facilitate frontier traffic and advantages resulting from a customs union to which either country may become a party shall be excepted from the operation of this Agreement.

ARTICLE IX.

The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

The advantages now accorded or which may hereafter be accorded by Guatemala to the commerce of Costa Rica, El Salvador, Honduras, Nicaragua or Panama, so long as any such advantage is not accorded to any other country shall be excepted from the operation of this Agreement.

ARTICLE X.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Guatemala as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of three years. In case neither Government shall have given to the other Government at least six months before the expiration of the aforesaid period, notice of intention to terminate the Agreement, it shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done at Guatemala City, this twenty-eighth day of September nineteen hundred and thirty-seven, in duplicate in English and Spanish, both texts being equally authentic.

(L.S.) J. H. S. BIRCH

(L.S.) CARLOS SALAZAR

2 GEORGE VI.

CHAP. 20.

An Act respecting a certain Trade Agreement between
Canada and Hayti.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. This Act may be cited as the *Canada-Hayti Trade Agreement Act, 1938.* Short title.

2. The Trade Agreement between Canada and Hayti set out in the Schedule to this Act is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada. Agreement approved.

3. The Governor in Council may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Trade Agreement. Orders in Council authorized.

4. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

SCHEDULE.

TRADE AGREEMENT BETWEEN CANADA AND HAYTI.

Signed at Port-au-Prince April 23, 1937.

The Government of Canada and the Government of the Republic of Hayti, desiring to facilitate the commercial relations existing between Canada and Hayti, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

ARTICLE I.

Canada and Hayti will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either of the countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Hayti and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Hayti in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Hayti or Canada, respectively, and irrespective of the nationality of the carrier.

ARTICLE II.

Neither Canada nor Hayti shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country

in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Hayti for the importation of any article it is agreed that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a previous representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Hayti agree to extend to each other every favour granted to a third country.

ARTICLE III.

Articles the growth, produce or manufacture of Canada or Hayti shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to the granting of national treatment to native products shall not apply to the laws at present in force in Hayti relative to excise duty on cigarettes, nor to the laws now in force in Canada whereby leaf-tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Hayti of special excise taxes imposed by virtue of existing provisions of the *Special War Revenue Act*. In these respects, however, most-favoured-nation treatment shall apply.

ARTICLE IV.

In the event that Canada or Hayti establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

ARTICLE V.

If the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that, as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

ARTICLE VI.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

ARTICLE VII.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1)

imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the pure food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII.

The advantages now accorded or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate shall be excepted from the operation of this Agreement.

The advantages granted or to be granted by the Republic of Hayti to the Dominican Republic with a view to facilitating traffic shall not be affected by the present Agreement.

ARTICLE IX.

The present Agreement shall be ratified and shall enter into force immediately on the exchange of ratifications and shall remain in force for the term of one year thereafter.

Unless at least six months before the expiration of the aforesaid term of one year, the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done in duplicate, in English and in French, both authentic, at the City of Port-au-Prince, on the 23rd day of April, 1937.

(L.S.) F. M. SHEPHERD.

(L.S.) G. N. LEGER.

2 GEORGE VI.

CHAP. 21.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1932, c. 46;
1932-33, c. 32;
1934, cc. 27, 45;
1936, c. 18;
1937, c. 5.

1. Section sixty of *The Canadian and British Insurance Companies Act, 1932*, (so renumbered by section eleven of chapter twenty-seven of the statutes of 1934), as amended by chapter thirty-two of the statutes of 1932-33, by chapters twenty-seven and forty-five of the statutes of 1934, and by chapter eighteen of the statutes of 1936, is further amended by inserting after subparagraph (i-c) of paragraph (b) of subsection one of the said section, the following subparagraphs:—

Investment
of company's
funds.

“(i-d) equipment trust obligations or certificates issued to finance the purchase of transportation equipment for a railway company incorporated by or under the authority of an Act of the Parliament of Canada or of the Legislature of any province, or for a railway company owned or controlled by a railway company so incorporated which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease, or conditional sale, thereof to the railway company so incorporated.

Equipment
trust
certificates
of Canadian
railways.

(i-e) the bonds, debentures or other evidences of indebtedness issued by an authority constituted by Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland or of any British Dominion and responsible to the Government of such Kingdom or Dominion or to any Minister of such Government, or to a body so responsible, with power to administer or regulate the administration of any port or harbour or system of transport or to distribute or regulate

Bonds, etc.,
of certain
public bodies
of the U.K.
and of the
Dominions.

the distribution of electricity, water or gas, and to levy, impose or make taxes, rates, fees or other charges fixed or authorized by the said Parliament or subject to the approval of the said Government or Minister or of a body responsible to the said Government or Minister."

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 22.

An Act respecting the Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1929, c. 11;
1930, c. 8;
1935, c. 3.

1. This Act may be cited as *Canadian National Railways Refunding Act, 1938*.

Short title.

2. The Governor in Council may provide for the refunding of matured, maturing and/or callable stocks, notes, obligations, bonds, debentures and other securities (hereinafter called "original securities") of the Canadian National Railway Company (hereinafter called "the National Company") and/or of any one or more of the other Companies comprised in Canadian National Railways, as defined in chapter ten of the statutes, 1929, and/or of any company or companies controlled through stock ownership by any company comprised in Canadian National Railways.

Power to refund.

3. Subject to the provisions of this Act the National Company may issue notes, obligations, bonds, debentures, or other securities (hereinafter called "substituted securities") in respect of such refunding, to an aggregate principal amount not exceeding two hundred million dollars, and the Governor in Council may authorize the guarantee by His Majesty, in the right of the Dominion of Canada, of the principal and interest of the substituted securities.

Issue of substituted securities.

Amount of substituted securities.

4. (1) With respect to such refunding, the Governor in Council may, subject to the provisions of this Act, from time to time approve or decide—

Approval of Governor in Council.

(a) the kind or kinds of substituted securities to be issued and guaranteed, and the form or forms and terms thereof;

- (b) the currency or currencies in which any issue or parts thereof may be made;
- (c) the form and manner of the guarantee or guarantees;
- (d) the times, manner and amount of the issue or issues;
- (e) the method or manner of refunding, whether by exchange or substitution of the substituted securities for the original securities, or by payment of the original securities at maturity or when callable by means of the proceeds of the sale, pledge or other disposition of the substituted securities;
- (f) the terms and conditions of any such exchange or substitution, or of any such sale, pledge or other disposition of the substituted securities;
- (g) the securing, if deemed desirable, of the substituted securities by mortgage, deed of trust or other instrument, and the manner thereof, and the form and terms of any such indenture, and the trustee or trustees thereof;
- (h) the manner, terms and conditions of any temporary financing and the expediency thereof;

Guarantees.

(2) The guarantee or guarantees may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of this Act have been complied with.

Deposit and release of proceeds.

5. The proceeds of any sale, pledge or other disposition of the substituted securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada, in trust for the National Company, in one or more banks designated by him, and shall from time to time be released by the Minister of Finance to the National Company upon applications, approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance for the release of such proceeds, deposited as aforesaid.

Cancellation and cremation of original securities.

6. Original securities coming into the possession of the National Company by means of such refunding may be cancelled and cremated in the presence of a representative or representatives of the Minister of Finance and of the National Company and, (if desired by them) of any Trustees affected, and certificates of such cremation, signed by such representatives, shall be filed with the Minister, the National Company, and with the trustees (if desired by them) and any such certificate shall be conclusive evidence for all purposes of the cancellation and cremation of the original securities covered thereby.

7. (1) Upon applications for temporary loans, approved by the Minister of Transport, made from time to time to the Minister of Finance by the National Company, the Minister of Finance, with the approval of the Governor in Council, may make such loans to the National Company out of the Consolidated Revenue Fund of Canada for the purpose of refunding outstanding securities of any company referred to in section two of this Act, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by a demand note or notes of the National Company; provided however that the aggregate principal amount of the loans which the Minister of Finance is hereby authorized to make to the National Company shall not exceed the sum of two hundred million dollars.

Loans
authorized
to National
Company
not exceeding
aggregate
amount of
\$200,000,000.

(2) Should any such temporary loans be made within the limits aforesaid, substituted securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Issue and
guarantee of
substituted
securities.

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 23.

An Act to amend An Act respecting the National
Battlefields at Quebec.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1908, cc. 57,
58;
1910, c. 41;
1911, c. 5;
1914, c. 46;
1925, c. 47;
1928, c. 36.

1. Section eight of chapter fifty-seven of the statutes of 1908, *An Act respecting the National Battlefields at Quebec*, as enacted by chapter thirty-six of the statutes of 1928, is repealed and the following substituted therefor:—

“8. The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of seventy-five thousand dollars a year for a period not exceeding ten years from the first day of April 1938, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payments shall be made in four equal quarterly instalments payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of April, 1938.”

Payment
of \$750,000
authorized.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 24.

An Act to amend the Royal Canadian Mounted Police Act.

[Assented to 25th May, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 160;
1930, c. 39;
1931, c. 11;
1932, c. 37;
1932-33, c. 29;
1934, cc. 8, 40;
1935, c. 25;
1937, c. 38.

1. Subsection six of section twenty-eight of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section two of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

“(6) Every member of such Reserve on being called up for duty or training shall be subject to the provisions of Part I of this Act and of all rules and regulations made thereunder, from the date of his being called up, which date shall be the date on which he is advised by registered letter to report himself for duty. Should he become injured or killed in the performance of duty, but not otherwise, he or his dependents, if any, shall be eligible to receive the benefits provided under the provisions of Part III of this Act and under any regulations of the Force providing for the payment of compensation in respect of the injury or death of a member of the Force arising out of and in the course of the performance of duty, and this subsection shall be and be deemed to have been effective from and after the tenth day of April, 1937.”

Part I and
rules and
regulations
applicable.

When Part III
to apply.

2. Section twenty-eight of the said Act, as enacted by section two of chapter thirty-eight of the statutes of 1937, is further amended by adding thereto the following subsection:—

“(11) Except as hereinbefore specified the provisions of this Act shall not be applicable to a member of such Reserve.”

Act not to
apply except
as specified.

3. Subsection three of section thirty-one of the said Act, as enacted by section seven of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:

Stoppage
of pay.

“(3) Any such offender on being convicted of absence without leave, in addition to any other penalty which may be imposed under this section, shall be subject to complete stoppage of pay for each day he is so absent, within the meaning of the Royal Canadian Mounted Police rules and regulations.”

4. Subsection eight of section forty-eight of the said Act, as enacted by section three of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

Time in
permanent
forces
included.

“(8) (a) Time served in the permanent naval, military or air forces of Canada may also be included in the term of service of an officer for the purposes of pension under this Part.

Deduction
reduced.

(b) In such cases the yearly deduction of five per centum upon average pay under this Part from any pension shall be reduced by the average yearly deduction from the officer's salary or pay as a member of the permanent naval, military or air forces, made under the *Militia Pensions Act*.”

R.S. c. 133.

5. Section sixty-five of the said Act, as enacted by section eleven of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:—

Constable
may be
required
to retire.

“65. When any constable has,

(a) completed a service of twenty years, or,

(b) completed a service of not less than ten years, and has reached the age limit,

the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed under this Part.”

6. Subsection two of section sixty-six of the said Act is repealed and the following substituted therefor:—

Certain
constables
pensioned
may be
recalled.

“(2) Any constable, who receives a pension before he has completed twenty years' service, shall be subject to return to service, as provided by this Part, if he ceases to be incapacitated and has not reached the age limit.”

7. Subsection five of section sixty-seven of the said Act, as enacted by section four of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

Time
served in
permanent
forces
included.

“(5) Time served in the permanent naval, military or air forces of Canada may also be included in the term of service of a constable for the purposes of pension under this Part.”

2 GEORGE VI.

CHAP. 25.

An Act to assist in the alleviation of Unemployment and
Agricultural Distress.

[Assented to 25th May, 1938.]

WHEREAS it is in the national interest that the Dominion should continue for a further period to support and supplement the measures of the provinces and other bodies to establish certain unemployed persons in gainful occupations, to train other unemployed persons for like establishments and to assist those in need and thereby lessen provincial and municipal burdens consequent upon unemployment and agricultural distress: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as *The Unemployment and Agricultural Assistance Act, 1938.*

Short title.

2. This Act shall be administered by the Minister of Labour and whenever used in this Act, the word "Minister" shall mean the Minister of Labour.

Adminis-
tration.
"Minister".

3. (1) The Governor in Council may out of moneys appropriated by Parliament authorize the execution of such undertakings as the Governor in Council may determine to be in the general interest of Canada and requisite for the purposes of this Act, and for such purposes may authorize the performance of such acts and the execution of such agreements and contracts as the Governor in Council may deem necessary and expedient.

Authority
to execute
undertakings.

(2) In the execution of any such undertaking provision shall be made, so far as it may be in the opinion of the Governor in Council practicable and consistent with reasonable efficiency and economy to do so, for the employment of persons who being available and competent are necessarily and properly in receipt of assistance and registered with the Employment Service of Canada for employment in the province in which such undertaking is to be performed.

Employment
of persons
on relief.

Contracts
to be
approved.

(3) Where any undertaking towards which the Dominion Government is providing financial assistance is under provincial jurisdiction, then, unless otherwise provided by agreement, all contracts entered into with respect thereto shall be approved by the Minister and the work thereunder supervised by an officer in the service of the Dominion Government.

Agreements
with
Provinces
and others.

4. The Governor in Council may enter into agreements:
(a) with any of the provinces respecting the alleviation of unemployment conditions and of agricultural distress therein and to assist those in need;

(b) with corporations or partnerships or individuals engaged in industry respecting the expansion of industrial employment;

and such agreements may provide for payments for any of the purposes aforementioned to be made out of moneys appropriated by Parliament for the fiscal year 1938-39.

Granting of
financial
assistance to
Provinces.

5. (1) The Governor in Council, where necessary, may out of any unappropriated moneys in the Consolidated Revenue Fund grant financial assistance to any province by way of loan, advance or guarantee for the purposes of assisting the province to pay its share of expenditures incurred for the purposes mentioned in paragraph (a) of section four of this Act to an amount not exceeding in the aggregate the maximum amount which may be payable by the province for its share of such expenditures under any agreement between the Dominion and the province entered into under the authority of this Act as well as the amount for which the province may be obligated by way of loan in connection with the cost of any undertaking for which commitments were made under *The Unemployment and Agricultural Assistance Act, 1937*, and which may be continued under agreements entered into under authority of this Act.

1937, c. 44.

Renewals
of loans,
advances or
guarantees.

(2) The Governor in Council may renew or consolidate, for such periods and upon such terms as the Governor in Council may determine, loans, advances or guarantees made, given or renewed under the authority of *The Unemployment Relief and Assistance Act, 1936*, *The Unemployment and Agricultural Assistance Act, 1937*, or this Act and may accept such Treasury bills, bonds, debentures or other securities as may be approved by the Governor in Council as security for the payment of any indebtedness due by a province to the Dominion arising out of expenditures, advances or loans heretofore or hereafter made for the alleviation of unemployment conditions and of agricultural distress and to assist those in need.

1936, c. 15;
1937, c. 44.

Conditions
of financial
assistance.

6. No financial assistance shall be granted to any province under this Act unless the province agrees to

furnish such information and permit such examination and audit to be made as the Dominion may deem necessary, and no financial assistance by way of loan, advance or guarantee shall be granted to any province under this Act unless the province furnishes the Dominion, from time to time as required, with certified statements as to its financial position in such detail and in such form as the Dominion may require.

7. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intentions of this Act. Orders and regulations.

8. All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation, but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation. Orders and regulations to have the force of law.

9. All Orders in Council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof if Parliament is then sitting, or if not, said Orders in Council or regulations or an abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette*. Laid before the House of Commons. Canada Gazette.

10. Subject to the approval of the Governor in Council the Minister may appoint such officers, clerks and employees as may be necessary to carry out the purposes of this Act. Appointment of officers, clerks and employees.

11. A report shall be laid before Parliament within thirty days after the expiration of this Act, or if Parliament is not then in session shall be published and made available for distribution by the Department of Labour, containing a full and correct statement of the moneys expended or loaned, guarantees given and obligations contracted under this Act. Report to Parliament.

12. All the provisions of this Act except such as are contained in subsection two of section five and in this section shall expire on the thirty-first day of March, 1939, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged notwithstanding the expiration of the aforesaid provisions of this Act on the said date. Duration of Act.

2 GEORGE VI.

CHAP. 26.

An Act to amend the Canada Shipping Act, 1934.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 44;
1936, c. 23.

1. The *Canada Shipping Act, 1934*, chapter forty-four of the statutes of 1934, is amended by inserting immediately after section seven hundred and three the following section:—

“703A. (1) No article to which this section applies shall be discharged at any port or place in any territory designated by the Governor in Council for the purposes of this section or within the territorial waters adjacent to such territory from a ship registered in Canada, and no such article shall be transhipped on the high seas from any such ship into any vessel bound for any such port or place, and no such article consigned to or destined for any such port or place shall be taken on board or carried in any such ship.

Prohibition
of shipment
of articles
of war to
countries
in a state
of war.

(2) The Governor in Council may from time to time by regulation

Regulation
by G. in C.

(a) designate any territory or territories in which there is a state of war or armed conflict, civil or otherwise, in respect of which the provisions of this section shall apply;

(b) prescribe the time or times during which such provisions shall so apply;

(c) exempt in the case of any territory so designated any article or class of articles referred to in the next following subsection from the application of the provisions of this section;

(d) provide otherwise for the carrying out of the intent of this section.

(3) Subject to the provisions of subsection two of this section, the articles to which this section applies are arms,

Articles
defined.

ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof, or provisions or any sort of victual which may be used as food by man or beast.

Discharging,
etc.,
articles in
contravention
of this
section.

(4) If any article is discharged or transhipped from, or taken on board or carried in, any ship in contravention of this section, any person being the owner, charterer or master of the ship shall, if he is privy to the contravention, be guilty of an indictable offence.

Exchequer
Court
jurisdiction
to declare
articles
forfeited.

(5) Where any articles are taken on board or carried in any ship in contravention of this section, the Exchequer Court of Canada on its Admiralty side, or, in any other part of His Majesty's dominions, any court exercising jurisdiction under the provisions of subsection two of section seven hundred and ten of this Act, may declare those articles and any packages or receptacles in which they are contained, to be, and they shall thereupon be forfeited and when forfeited shall be disposed of as the court directs.

Powers of
certain
officers.

R.S., c. 42.

(6) Any officer mentioned in section seven hundred and three of this Act, any British consular officer, or an officer as defined for the purposes of the provisions of the *Customs Act* which relate to preventive measures, who has reason to suspect that a ship is contravening or has contravened the provisions of this section shall, without prejudice to the powers conferred by that section have the following powers, that is to say:—

- (a) he may go on board the ship and for that purpose may detain the ship or require it to stop or to proceed to some convenient place;
- (b) he may require the master to produce any documents relating to any cargo which is being carried or has been carried on the ship;
- (c) he may search the ship and examine the cargo and require the master or any member of the crew to open any package or parcel which he suspects to contain any articles to which this section applies;
- (d) he may make any other examination or inquiry which he deems necessary to ascertain whether this section is being or has been contravened;
- (e) if it appears to him that this section is being or has been contravened, he may, without summons, warrant or other process, take the ship and her cargo and her master and crew to the nearest or most convenient port in Canada or in any other part of His Majesty's dominions in order that the alleged contravention may be adjudicated upon by a competent court.

Failing to
stop or
proceed
if required
to do so.

(7) If any ship duly required under the last preceding subsection to stop or to proceed to some convenient place fails to comply with that requirement, the master of the

ship

ship shall be guilty of an indictable offence, and if a master or any other person fails to do any other thing duly required of him under that subsection or obstructs any officer in the exercise of his powers under that subsection, he shall be liable to a fine not exceeding five hundred dollars.

(8) Upon the publication in the *Canada Gazette* of any regulations made by the Governor in Council under the authority of this section, such regulations shall, as and from the date of the publication, or any later date mentioned therein, take effect as if they were enacted by Parliament.”

Publication
of
regulations
in Gazette.

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 27.

An Act to amend The Copyright Amendment Act, 1931,
and the Copyright Act.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 32.
1931, c. 8;
1935, c. 18;
1936, c. 28.

1. Subsection one of section ten of *The Copyright Amendment Act, 1931*, chapter eight of the statutes of 1931, as enacted by section two of chapter twenty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

“10. (1) Each society, association or company which carries on in Canada the business of acquiring copyrights of dramatico-musical or musical works or of performing rights therein, and which deals with or in the issue or grant of licences for the performance in Canada of dramatico-musical or musical works in which copyright subsists, shall, from time to time, file with the Minister at the Copyright Office lists of all dramatico-musical and musical works, in current use in respect of which such society, association or company has authority to issue or grant performing licences or to collect fees, charges or royalties for or in respect of the performance of its works in Canada.”

2. (1) Section one of chapter twenty-eight of the statutes of 1936, and all provisions enacted thereby, are repealed.

(2) Paragraphs (vii) and (viii) of subsection one of section seventeen of the *Copyright Act*, as enacted by section six of chapter eight of the statutes of 1931, are repealed and the following paragraph is substituted therefor:—

“(vii) The performance without motive of gain of any musical work at any agricultural, agricultural-industrial exhibition or fair which receives a grant

Performance without private profit at agricultural fairs.

from or is held under Dominion, provincial or municipal authority, by the directors thereof."

Construction
of Act.

3. *The Copyright Amendment Act, 1931*, as amended by chapter twenty-eight of the statutes of 1936 and by this Act, shall be read and construed with, and as part of, the *Copyright Act*.

4. Section ten-B of *The Copyright Amendment Act, 1931*, as amended by chapter twenty-eight of the statutes of 1936, is amended by adding thereto, as subsection 6a the following:—

Radio
performances
in places
other than
theatres.

"(6) (a) In respect of public performances by means of any radio receiving set or gramophone in any place other than a theatre which is ordinarily and regularly used for entertainments to which an admission charge is made, no fees, charges or royalties shall be collectable from the owner or user of the radio receiving set or gramophone, but the Copyright Appeal Board shall, so far as possible, provide for the collection in advance from radio broadcasting stations or gramophone manufacturers, as the case may be, of fees, charges and royalties appropriate to the new conditions produced by the provisions of this subsection and shall fix the amount of the same. In so doing the Board shall take into account all expenses of collection and other outlays, if any, saved or saveable by, for or on behalf of the owner of the copyright or performing right concerned or his agents, in consequence of the provisions of this subsection."

5. Subsection one of section seventeen of the *Copyright Act* is amended by adding at the end of that subsection the following further proviso:—

Further
exceptions.

"Further provided that no church, college, or school and no religious, charitable or fraternal organization shall be held liable to pay any compensation to the owner of any musical work or to any person claiming through him by reason of the public performance of any musical work in furtherance of a religious, educational or charitable object."

2 GEORGE VI.

CHAP. 28.

An Act to amend the Exchequer Court Act.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S. c. 34;
1928, c. 17;
1932-33, c. 13.

1. Paragraph (c) of subsection one of section nineteen of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Exclusive
original
jurisdiction.

“(c) Every claim against the Crown arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment.”

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2 GEORGE VI.

CHAP. 29.

An Act to amend The Excise Act, 1934.

[Assented to 24th June, 1938.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 52;
1935, c. 29;
1936, c. 37;
1937, c. 29.

1. Paragraph (*j*) of subsection one of section three of *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, is repealed and the following substituted therefor:—

Definitions.

“(j) ‘worm’ means any pipe, condenser or other equipment used or intended to be used for the condensation of spirit vapour.”

“Worm.”

2. Subsection two of section fifty-nine of the said Act is repealed and the following substituted therefor:—

Packages
warehoused
to be marked.

“(2) Nothing in this section shall apply to manufactured tobacco and cigars.”

Tobacco and
cigars
excepted.

3. Section sixty of the said Act is repealed and the following substituted therefor:—

“60. Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case, except in the case of manufactured tobacco or cigars, shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another.”

Stowage of
packages
warehoused.

4. Section ninety-six of the said Act, as enacted by section five of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:—

“96. Every one who, when called upon in the King’s name by an officer of excise to aid or assist him in the execution of any act or duty required by this Act, refuses or neglects to do so, and every master or person in charge of any vessel and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or

Refusing to
assist officers.

Penalty.

neglects to stop such vessel, vehicle or conveyance when required to do so in the King's name by an officer of excise, is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than three months or to both fine and imprisonment, and in default of payment of such fine to a term or a further term of imprisonment not exceeding six months and not less than three months."

Licence to rectifiers.

5. Section one hundred and thirty-one of the said Act is repealed.

To import, or make, or sell apparatus.

6. Section one hundred and thirty-two of the said Act is repealed.

Application for licence for chemical still.

7. Section one hundred and thirty-three of the said Act is repealed and the following substituted therefor:—

"**133.** An application for a licence to import, manufacture, possess and use the chemical stills mentioned in such application shall contain a full and exact description of such stills and of the capacity of each and also of the purposes to which they are to be applied and of the place wherein they are to be used."

Conditions of licence for chemical still.

8. Subsection one of section one hundred and thirty-four of the said Act, as amended by section seven of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:—

"**134.** (1) A licence to import, manufacture, possess and use chemical stills may be granted to any person who has complied with the provisions of this Act, if,—

(a) the person about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of spirits or for the rectification of spirits, before the importation or making is commenced, reports in writing to the nearest collector, his intention in relation thereto, stating the number of stills, worms, rectifying or other apparatus or part thereof, suitable for the manufacture of spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing, with reference to each:—

(i) the capacity of the apparatus or parts thereof;

(ii) the name and residence of the person for whom such apparatus or part thereof is to be imported or made;

(iii) the time at which every such apparatus or part thereof is to be imported or made;

(iv) the date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;

- (v) the material of which such apparatus is or is to be made;
- (b) the granting of such licence has been approved by the district inspector and authorized by the Commissioner, and all the apparatus connected therewith is so made and arranged, and the whole so situated as regards the location and nature of the building in which it is placed, as to all which the Commissioner shall be the sole judge, that such stills and apparatus may be kept under such supervision by an officer as will prevent their fraudulent use; and
- (c) such person shall, before such licence is issued, jointly with a guarantee company approved by the Minister, enter into a bond to His Majesty in the sum of one thousand dollars;

Approval and supervision.

Bond.

9. Section one hundred and thirty-five of the said Act is repealed and the following substituted therefor:—

“**135.** The person in whose favor a licence is granted for distilling by any process, shall, upon receiving such a licence, pay to the collector the sum of two hundred and fifty dollars.”

Distilling and rectifying licence fee \$250.00.

10. Section one hundred and thirty-six of the said Act, as enacted by section eight of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:

“**136.** The person in whose favor a licence is granted to import, manufacture, possess and use any chemical still or stills mentioned in his application for licence shall, upon receiving such licence pay to the collector the sum of two dollars whether such licence has a full year or only a part of a year to run from the date when it was granted: Provided that any person importing, manufacturing, possessing and using a chemical still, the measured content of which does not exceed three gallons, or any *bona fide* public hospital duly certified as such by the Department of Pensions and National Health importing, manufacturing, possessing and using a chemical still of any capacity, may, upon registering the said still at the office of the collector of the division in which it is situated, be permitted to import, manufacture, possess and use the same without payment of licence fee or the giving of a bond; but the importation, manufacture, possession or use of any such still without registration shall be deemed an importing, manufacturing, possessing or using of a still contrary to the provisions of this Act.”

Licence fee for chemical still.

Proviso.

Exceptions from payment of fee.

11. Section one hundred and thirty-seven of the said Act, as enacted by section nine of chapter twenty-nine of the statutes of 1937, is repealed.

Importing or manufacturing apparatus.

Importation
and manu-
facture of
apparatus.

12. Section one hundred and thirty-eight of the said Act is repealed.

13. Paragraph (d) of subsection one of section one hundred and forty-two of the said Act, as amended by section ten of chapter twenty-nine of the statutes of 1937, is further amended by striking out subparagraph (iii) thereof and substituting therefor the following subparagraphs:—

Abatement
of spirits re-
warehoused.

“(iii) Spirits re-warehoused and stored in wooden or ventilated metal tanks or in barrels will be subject to the same abatement as if originally warehoused;

Abatement
percentage
upon
deficiencies
in distillery
stock.

(iv) An abatement not exceeding two per cent may in accordance with departmental regulations, be allowed upon deficiencies found in distillery stock;

Wood
absorption
abatement.

(v) An abatement not exceeding three per cent of the quantity originally warehoused in wooden barrels, may, in accordance with departmental regulations, be allowed for wood absorption.”

14. Subsections two and three of section one hundred and fifty-five of the said Act are repealed and the following substituted therefor:

Least quan-
tity to be
warehoused
or ex-
warehoused.

“(2) Except for export, use as ship stores, or delivery to a druggist licensed as herein provided, no less quantity than twelve cases or thirty gallons of proof spirits shall be entered for warehouse or ex-warehouse, by one entry, and in no case shall any spirits be ex-warehoused except in complete packages.”

15. Subsection four of section one hundred and fifty-five of the said Act is repealed and the following substituted therefor:—

When spirits
may be
entered for
consumption.

“(4) No spirits subject to excise, which have not been warehoused for at least two years, except that class of spirits commonly known as gin, and spirits manufactured from native wine when such spirits are used for fortification purposes by registered wine manufacturers, shall be entered for consumption: Provided, however, that spirits when testing not less than fifty per centum over-proof may be entered ex-warehouse for consumption at any date after manufacture if sold and delivered for scientific purposes only to any university, scientific or research laboratory approved by the Minister, or to any *bona fide* public hospital certified as such by the Department of Pensions and National Health, or to druggists as defined in section one hundred and forty-one of this Act, for use in preparing, manufacturing, compounding or dispensing medicines and pharmaceutical preparations under departmental regulations.”

16. The said Act is further amended by inserting immediately after section one hundred and sixty-nine B thereof, as enacted by section thirteen of chapter twenty-nine of the statutes of 1937, the following section :

"169c. In the case of any person who has been convicted of a violation of any of the provisions of sections one hundred and sixty-four, one hundred and sixty-nine, or one hundred and sixty-nine B, of this Act, and is afterwards convicted of a violation committed after having been so previously convicted, of any other provision of any of the said sections, such latter conviction shall be deemed a conviction for a subsequent offence within the meaning of the said sections and shall be dealt with and punished accordingly, although the two convictions may have been under different sections, or subsections, or paragraphs of the said sections."

Second convictions under other provisions of same sections deemed subsequent offence.

17. Subsection one of section one hundred and seventy-two of the said Act is repealed and the following is substituted therefor:—

"172. (1) A licence to carry on the trade or business of a brewer may be granted to any person who has complied with the provisions of this Act, if the granting of such licence has been approved by the district inspector, and such person has, jointly with a guarantee company, approved by the Minister, entered into a bond to His Majesty, in such sum as the Minister may determine but in no case shall such sum be less than five thousand dollars."

Amount of bond.

18. Section one hundred and seventy-four of the said Act is repealed and the following substituted therefor:—

"174. On every cask or barrel used in a brewery or for keeping or delivering out any beer, there shall at all times be legibly cut, branded or painted in oil colours on one head, the name and address of the brewer; and on every bottle containing beer, there shall at all times be securely fixed by the brewer or bottler of the said beer, a label showing in conspicuous type the name and address of the brewer or bottler of the said beer and such other information as may be prescribed by departmental regulations.

Beer casks, barrels and bottles to be stamped with name and address of brewer or bottler, and other prescribed information.

19. Subsection two of section two hundred and forty-two of the said Act is repealed.

Duties on raw leaf tobacco.

20. Section two hundred and forty-four of the said Act is repealed and the following substituted therefor:—

"244. All packages containing manufactured tobacco and cigars shall have printed thereon, stamped, burnt or impressed into them or indented, such information as is prescribed by departmental regulations."

Packages of tobacco and cigars to be marked.

21. Section two hundred and forty-nine of the said Act is repealed.

Completion of manufacture of tobacco and cigars.

Monthly
returns of
completed
manufacture.

22. Section two hundred and fifty of the said Act is repealed.

Deficiency
between
raw
material
and products
of manu-
factory.

23. Section two hundred and fifty-one of the said Act is repealed and the following substituted therefor:—

“**251.** The deficiency allowance between the raw leaf tobacco and other materials taken for use and the manufactured tobacco, cigars and other products resulting therefrom, during the period between any two stock-takings, in any tobacco or cigar manufactory, may be established by the Governor in Council but shall not at any time exceed six per centum.”

Minimum
from raw
material in
cigars.

24. Section two hundred and fifty-two of the said Act is repealed.

25. Section two hundred and sixty-one of the said Act is repealed and the following substituted therefor:—

Tobacco
stems and
sweepings,
etc.

“**261.** All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not intended to be used, shall be disposed of under departmental regulations.”

26. Paragraph (*h*) of section two hundred and sixty-two of the said Act is repealed and the following substituted therefor:—

Determining
payment of
duties.

“(h) for determining the time when tobacco and cigars shall be considered as completely manufactured.”

27. Section two hundred and sixty-two of the said Act is further amended by inserting immediately after paragraph (*h*) the following paragraph:—

Time when
tobacco and
cigars shall
be entered.

“(i) for determining when completely manufactured tobacco and cigars shall be entered for consumption or duty ex-manufactory or be warehoused.”

Determining
payment
of duties.

28. Section two hundred and sixty-four of the said Act is repealed.

29. Section two hundred and sixty-seven of the said Act is repealed and the following substituted therefor:

Warehousing
and
ex-
warehousing
of tobacco
and cigars.

“**267.** Except for export or ship's stores, no less quantity than one hundred pounds of manufactured tobacco, two thousand cigars or two thousand cigarettes, shall be warehoused or ex-warehoused by one entry.”

30. Section two hundred and sixty-nine of the said Act is repealed and the following substituted therefor:

No refund on
tobacco ex-
warehoused.

“**269.** The duty paid on manufactured tobacco and cigars entered for consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such tobacco or cigars out of Canada.”

31. Sections two hundred and seventy-five to two hundred and eighty-three, both inclusive, and two hundred and ninety-two to two hundred and ninety-four of the said Act, both inclusive, and the subheading thereto, "Foreign Raw Leaf Tobacco," are repealed. Sections repealed.

32. Paragraph (a) of subsection one of section two hundred and ninety-six of the said Act is repealed and the following substituted therefor:—

"**296.** (1) Subject to the provisions of this Act relating to the re-working of spoiled tobacco and cigars,—

(a) Every manufacturer or other person who puts tobacco or cigars into any such box, bag, vessel, wrapper or envelope, the same having been either emptied or partially emptied, or who has in his possession, or who sells or offers for sale any box or other package of tobacco or cigars, having affixed thereto any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped;" Using emptied packages.

Selling boxes with false stamps.

33. Subsection one of section two hundred and ninety-eight of the said Act is repealed and the following substituted therefor:

"**298.** (1) Everyone who removes or permits or suffers the removal from any manufactory or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put in proper packages, or without being stamped and the stamps being properly cancelled as required by law or regulations established thereunder, or who uses, sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country, or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the amount of duty thereon being affixed and cancelled is guilty of an indictable offence and shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars or to imprisonment for a term not exceeding two years and not less than three months or to both fine and imprisonment and in default of payment of such penalty to a term or a further term of imprisonment not exceeding twelve months and not less than three months." Unlawful removal of tobacco or cigars.

Unlawful sale or possession.

Offence. Penalty.

Coming
into force
of sections
20 to 31.

34. Sections twenty to thirty-one inclusive of this Act shall come into force on the first day of April, 1939.

OTTAWA: Printed by JOSEPH OSCAR PATENAUBE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 30.

An Act respecting the High Commissioner for Canada
in the United Kingdom.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S. 1927,
c. 92.

1. This Act may be cited as *The High Commissioner in the United Kingdom Act, 1938*.

Short title.

2. The Governor in Council may, under the Great Seal of Canada, from time to time, appoint an officer to be called the High Commissioner for Canada in the United Kingdom, who shall hold office during pleasure.

Appointment.

3. The High Commissioner for Canada in the United Kingdom shall,—

Powers and
duties.

(a) act as representative and resident agent of Canada in the United Kingdom, and in that capacity, execute such powers and perform such duties as are, from time to time, conferred upon and assigned to him by the Governor in Council;

(b) carry out such instructions as he, from time to time, receives from the Secretary of State for External Affairs respecting the general interests of Canada in the United Kingdom;

(c) subject to the provisions of the preceding paragraphs, supervise the official activities of the various agencies of the Canadian Government in the United Kingdom.

4. There may be appointed in the manner authorized by law such officers and clerks in the Office of the High Commissioner for Canada in the United Kingdom as may be necessary for the proper conduct of the business of the office.

Officers
and clerks

5. The *High Commissioner's Act*, chapter ninety-two of the Revised Statutes of Canada 1927, is repealed.

Act
repealed.

2 GEORGE VI.

CHAP. 31.

An Act to amend the Indian Act.

[Assented to 24th June, 1938.]

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 98;
1930, c. 25;
1932-33, c. 42;
1934, c. 29;
1936, cc. 20, 33.

1. Subsection two of section fifty of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

“(2) The Governor in Council may make regulations enabling the Superintendent General in respect of any Indian reserve, to issue leases upon such terms as may be considered proper in the interest of the Indians and of any other lessee or licensee of surface rights,

Leases and
licences to
prospect for
minerals.

(a) upon surrender in accordance with this part, of any land deemed to contain salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals and to grant in respect of such land the right to prospect for, mine, recover and take away any or all such mineral, and

(b) without surrender, to any person authorized to mine any of the minerals in this section mentioned, of surface rights over such area of any land within a reserve containing any such minerals as may be necessary for the mining thereof.”

2. The said Act is further amended by inserting immediately after section ninety four A the following:—

Advances for
assistance to
Indians.

“94B. (1) For the purpose of granting loans to Indian Bands, group or groups of Indians, or individual Indians and for the expenditure of moneys for co-operative projects on their behalf, the Minister of Finance may, from time to time, authorize the advance to the Superintendent General of Indian Affairs out of the Consolidated Revenue Fund of Canada of such sums of money as the said Superintendent General may require to enable him to make loans to Indian Bands, group or groups of Indians or individual Indians,

for the purchase of farm implements, machinery, live stock, fishing and other equipment, seed grain and materials to be used in native handicrafts and to expend and loan money for the carrying out of co-operative projects on behalf of the Indians. All expenditures made under such advances shall be made under regulations established from time to time by the Governor in Council and shall be accounted for in the like manner as other public moneys. Any moneys received by the Superintendent General of Indian Affairs from the Indian Bands, group or groups of Indians, individual Indians or co-operative projects, for aid furnished under the provisions of this section shall be remitted by him to the Minister of Finance in repayment of such advances. The amount of outstanding advances to the said Superintendent General including all amounts owing by the Indian Bands, group or groups of Indians, individual Indians or outstanding on co-operative projects shall at no time exceed the sum of three hundred and fifty thousand dollars.

Annual report
on loans.

(2) The Superintendent General shall annually prepare a report with regard to loans made under the provisions of subsection one of this section, during the preceding calendar year, and such report shall be laid before parliament within fifteen days or, if parliament is not then sitting, within fifteen days after the beginning of the next session."

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 32.

An Act to regulate the Inspection and Sale of Binder Twine and to establish Weight of Bushel for certain Commodities commonly sold by the Bushel.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE

1. This Act may be cited as *The Inspection and Sale Act*, Short title. 1938.

2. Parts I and II of this Act shall apply respectively to binder twine and weight of bushel for certain commodities. Application of Parts.

INTERPRETATION.

3. For the purposes of this Act and in any regulations made thereunder, unless the context otherwise requires, Definitions.

(a) "dealer" means the person or firm manufacturing or importing or selling or having in possession for sale any binder twine; "dealer".

(b) "Minister" means the Minister of Agriculture; "Minister".

(c) "inspector" means any person designated by the Minister to carry out the provisions of this Act; "inspector".

(d) "official analyst" means any person designated by the Minister to perform tests necessary to carry out the provisions of this Act. "official analyst".

4. The Minister may—

(a) designate such official analysts and inspectors as are deemed necessary to carry out the provisions of this Act; Analysts and inspectors.

Regulations.

(b) make such regulations for any other purpose deemed by him necessary for carrying out the provisions of this Act.

Appointment
of analysts
and inspectors.

5. There may be appointed in the manner authorized by law such inspectors and analysts as the Minister may consider necessary for the effective carrying out of the provisions of this Act.

PART I.

BINDER TWINE.

Labels on
binder twine
for sale in
Canada.

6. (1) Every ball of binder twine sold or offered for sale in Canada shall be properly and correctly labelled with the name of the dealer and the number of feet of twine per pound in the ball.

For export.

(2) Binder twine manufactured for export only and not to be sold for use in Canada need not be so labelled, but the onus of proof that any unlabelled binder twine is manufactured for export only shall rest upon the dealer, carrier or other person in whose possession the binder twine is found.

Damaged
binder
twine.

7. No person shall sell, offer or have in possession for sale as binder twine in Canada, any binder twine which has been damaged by fire or water unless:—

(a) in the case of damaged binder twine which has been reconditioned, the original tags on the balls of twine have been removed and replaced with tags labelled in accordance with section six of this Act, and in addition with the words "Reconditioned Binder Twine," and the original markings on the sacks containing the damaged binder twine have been obliterated or concealed, and the sacks, or labels durably attached thereto, labelled in a conspicuous manner "Reconditioned Binder Twine" or,

(b) in the case of damaged binder twine which has not been reconditioned, the original tags on the balls have been removed and replaced with tags labelled in accordance with section six of this Act, and in addition with the words "Damaged Binder Twine," and the original markings on the sacks containing such damaged binder twine have been obliterated or concealed, and the sacks, or labels durably attached thereto, labelled in a conspicuous manner "Damaged Binder Twine."

Prima facie
evidence of
improper
labelling.

8. If it is shown that in any lot of binder twine one ball in every twenty or less number of balls in the lot is not properly and correctly labelled, it shall be *prima facie* evidence that all the balls in the lot are not properly and

correctly labelled, and the burden of proof shall lie upon the dealer to show that the balls in the lot are properly and correctly labelled.

9. Any inspector charged with the enforcement of the provisions of this Act may enter upon any premises and examine any bales or balls of binder twine, whether such bales or balls are on the premises of a dealer or are on other premises, or are in the possession of any common carrier or other carrier.

Right of entry and inspection.

10. (1) Any dealer who violates any of the provisions of Part I of this Act or regulations thereunder shall be liable upon summary conviction, for a first offence, to a fine of not less than five dollars and not more than one hundred dollars, and for each subsequent offence to a fine of not less than fifty dollars and not more than five hundred dollars;

Offences. Penalties for first and subsequent offences.

(2) No deficiency in the number of feet of twine contained in any ball shall be deemed to be a violation of this Part unless it exceeds five per centum of the length indicated by the label.

Deficiency limitation.

11. Balls of binder twine not properly and correctly labelled may be seized by an inspector and confiscated and disposed of as directed by the Minister, whose decision therein shall be final.

Seizure and confiscation.

12. Every person who obstructs an inspector or other person charged with the enforcement of this Act from entering any premises to examine binder twine as provided by this Part, or who refuses to permit such examination, shall be liable on summary conviction to a fine of not less than fifty dollars and not more than five hundred dollars together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment for a term not exceeding six months, unless such penalty is sooner paid.

Penalty for obstructing officers.

PART II.

WEIGHT OF BUSHEL.

Legal
weights.

13. In contracts for the sale and delivery of any of the undermentioned articles the legal weights per bushel shall be as follows:—

Description of Article	Weight in Dominion Standard Pounds
Alfalfa seed.....	60 lbs.
Bituminous coal.....	70 "
Beans.....	60 "
Barley.....	48 "
Buckwheat.....	48 "
Bluegrass seed.....	18 "
Brome seed.....	14 "
Castor beans.....	40 "
Clover seed, alsike.....	60 "
Clover seed, red.....	60 "
Clover seed, white.....	60 "
Clover seed, crimson.....	60 "
Clover seed, sweet.....	60 "
Crested wheat grass seed.....	22 "
Flax-seed.....	56 "
Fescue seed.....	22 "
Hemp seed.....	44 "
Indian corn.....	56 "
Lime.....	70 "
Malt.....	36 "
Millet seed (Fox tail type).....	48 "
Millet seed (Proso type).....	50 "
Oats.....	34 "
Orchard grass seed.....	14 "
Peas.....	60 "
Potatoes.....	60 "
Rye.....	56 "
Rye grass seed.....	20 "
Soy beans.....	60 "
Timothy seed.....	48 "
Vetch.....	60 "
Wheat.....	60 "
Slender Wheat Grass seed (Western Rye grass).....	14 "

Offence and
penalty.

14. Every person who violates any provision of Part II of this Act shall, for a first offence, be liable, on summary conviction, to a penalty not exceeding twenty-five dollars, and for each subsequent offence to a penalty not exceeding fifty dollars.

Moneys from
penalties
to be paid to
Receiver
General.

15. Moneys derived from penalties imposed under any of the provisions of this Act, or derived from the confiscation of any binder twine under this Act, shall be paid to the Receiver General of Canada.

Repeal
R.S., c. 100.

16. The *Inspection and Sale Act*, chapter one hundred of the Revised Statutes of Canada, 1927, is repealed.

2 GEORGE VI.

CHAP. 33.

An Act to assist Municipalities in making self-liquidating Improvements.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Municipal Improvements Assistance Act, 1938.* Short title.

2. In this Act, unless the context otherwise requires,— Definitions.
(a) "Minister" means the Minister of Finance; "Minister."

(b) "municipality" includes a city, town, incorporated village, county, township, rural municipality, local improvement district or a province where such province is administering directly territory not organized into county or municipal units, and also includes any board, commission or agency duly authorized to act on behalf of one or more municipalities in the construction and operation of a self-liquidating project; "municipality."

(c) "self-liquidating project" means a project which when completed will on the basis of conservative estimates result in an increase in the annual net revenue of the municipality either by reductions in the annual operating and maintenance charges required to be borne by the municipality or by increase of revenues from persons using the services of or otherwise benefiting from the project, sufficient to pay the annual charges for interest on and amortization of the loan to be made by the Minister. "self-liquidating project."

3. (1) The Minister, with the approval of the Governor in Council, and subject to the provisions of this Act, may enter into an agreement with any municipality to make a loan or loans to such municipality out of any unappropriated moneys in the Consolidated Revenue Fund to enable such municipality to pay the whole or any part of the cost of Loans to municipalities.

constructing or making extensions or improvements to or renewals of a municipal waterworks system, a municipal gas plant, a municipal electric light system, or other municipal project, provided, however, that the project to be constructed or the extensions or improvements or renewals to be made will be a self-liquidating project.

Conditions
of loans.

(2) No agreement shall be entered into under this Act unless:—

- (a) the municipality submits detailed financial estimates demonstrating to the satisfaction of the Minister that the project to be constructed or the extensions or improvements or renewals to be made will be a self-liquidating project;
- (b) the construction, extension, improvement or renewal of the project is urgently needed and will assist in the relief of unemployment in the municipality concerned;
- (c) any application by a municipality for a loan under this Act and the project to be financed out of the proceeds of the loan have been approved by the Lieutenant Governor in Council of the province in which the municipality is situated; and
- (d) the municipality has obtained an undertaking from the government of the province concerned in form satisfactory to the Minister that such province will guarantee to the Government of Canada the payments for interest on and amortization of the loan, required to be made by the municipality to the Minister.

Interest and
amorti-
zation.

4. Any such loan shall bear interest at the rate of two per centum per annum, payable semi-annually, and shall be amortized by semi-annual payments sufficient to pay off the full amount of the loan during a period to be fixed by the Governor in Council, which period shall not in any case be longer than the estimated useful life of the project which has been constructed, extended, improved or renewed, in whole or in part, with the proceeds of the loan.

Securities
for loans.

5. As security for any such loan, the municipality shall deliver to the Minister its debentures or other securities equal in principal amount to the amount of the loan advanced and in such form as the Governor in Council may approve, and may also be required to give in favour of the Minister representing His Majesty a first mortgage or hypothec or other charge on the project to be constructed, extended, improved or renewed, in whole or in part, from the proceeds of the said loan.

Aggregate
amount
of loans.

6. (1) The aggregate principal amount of loans made under the authority of this Act shall not exceed thirty million dollars.

(2) The aggregate principal amount of loans made under this Act to any one municipality shall not exceed that proportion of the sum of thirty million dollars which the population of the municipality bears to the total population of Canada on the basis of population figures shown by the census of 1931: Provided however that subject to the limitation fixed by subsection one of this section a loan not exceeding two hundred thousand dollars may be made to any municipality of whatever population: and Provided further that in the case of a loan made to a board, commission or agency acting on behalf of more than one municipality, the aggregate amount of the loans to be made to such board, commission or agency and the municipalities concerned shall not exceed the maximum amount of loans which the municipalities would be entitled to receive if acting separately and shall be apportioned between the board, commission or agency and the municipalities concerned on a basis to be approved by the Governor in Council.

Amount to
any one
municipality

7. The Governor in Council may at any time fix and determine a date after which no loans shall be made to any municipality under this Act.

Limitation
of time.

8. The Governor in Council on the recommendation of the Minister may employ on a temporary basis such technical and clerical staff as may be necessary for the efficient administration of this Act and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Staff and
salaries.

9. (1) Subject to the provisions of this Act the Governor in Council may by order or regulation

Orders and
regulations.

- (a) determine the form of the agreement between any municipality and the Minister;
- (b) determine the form of the guarantee to be given by a provincial government;
- (c) prescribe the conditions under and the manner in which the proceeds of a loan may be advanced to a municipality;
- (d) make provision for any other matters concerning which orders or regulations are deemed necessary or desirable to carry out the purposes and intentions of this Act.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Act and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

Force
and effect.

Report to
Parliament.

10. The Minister shall annually prepare a report with regard to loans made under the provisions of this Act during the preceding calendar year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 34.

An Act to amend The National Harbours Board Act, 1936.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. *The National Harbours Board Act, 1936*, chapter forty-two of the statutes of 1936, is amended by adding thereto the following sections:—

“**41.** (1) Subject as hereinafter provided any claim against the Board arising out of any contract entered into in respect of its undertaking or any claim arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Board while acting within the scope of his duties or employment may be sued for and prosecuted by action, suit or other proceeding in any court having jurisdiction for like claims between subjects. Right of action against Board.

(2) Any such action, suit or other proceeding may be commenced and prosecuted to judgment in the same manner and subject to the same rules of practice and procedure and to the same right of appeal as nearly as may be as in cases between subjects. Practice and procedure.

(3) The said court shall have the same jurisdiction to order or adjudge the payment of costs either by plaintiff or defendant as in like cases in the said court between subjects. Costs.

42. In any such action, suit or other proceeding process may be served upon a member of the Board or upon any port manager or officer of the Board or upon any other person duly authorized by the Board to accept service of or be served with process in such cases. Service of process.

No execution
against
Board.

Payment of
judgment by
Minister of
Finance.

43. (1) No execution shall issue on a judgment against the Board for the payment of money.

(2) Where in any action, suit or other proceeding there is a judgment against the Board directing the payment of money for costs or otherwise, a judge or other proper officer of the court may on application certify to the Minister of Finance the tenor and purport of such judgment and such certificate shall be transmitted by such judge or other officer to the Minister of Finance who shall pay the amount so adjudged to the party entitled to the same out of the Special Account established by section twenty-three of this Act."

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King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 35.

An Act to amend The National Parks Act, and The Nova Scotia and Prince Edward Island National Parks Act, 1936.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1930, c. 33;
1936, c. 43;
1937, c. 35.

1. This Act may be cited as *The National Parks Amendment Act, 1938*. Short title.

PART I.

2. Section three of *The National Parks Act*, chapter thirty-three of the statutes of 1930 is amended by adding thereto the following subsections:—

“(3) The Wawaskesy National Park in the province of Alberta, as established by subsection one of this section, is hereby abolished and it is hereby declared that the lands comprising same are no longer required for park purposes.

Wawaskesy
National
Park
abolished.

“(4) Those portions of sections 7, 8, 9, 10, 14, 15 and 18 of township 53, range 20, west of the 4th meridian, province of Alberta, lying to the north of the northerly boundary of the main provincial highway through the said township, as shown on a plan of survey of the said highway signed by A. P. C. Belyea, Dominion Land Surveyor, on May 2, 1934, on file in the Department of Public Works of Alberta as Plan No. 12723 and of record in the Department of Mines and Resources, Ottawa, as Plan No. 39213 not now in the Elk Island National Park are hereby added to the said Park. The portions of sections 10, 14 and 15 of the said township lying to the south of the northerly boundary of the said road within the Elk Island National Park are hereby declared to be no longer required for park purposes.”

Lands added
to Elk
Island
National
Park.

Lands no
longer
required.

PART II.

3. Section five of *The Nova Scotia and Prince Edward Island Parks Act, 1936*, chapter forty-three of the statutes of 1936, is amended by adding thereto the following subsection:—

Lands
withdrawn
from P.E.I.
National
Park.

“(2) The lands described in Schedule Two to this Act are hereby withdrawn from the Prince Edward Island National Park and are hereby vested in His Majesty, in the right of the Province of Prince Edward Island.

Schedule
added.

4. The said Act is further amended by adding thereto the following schedule as Schedule Two:—

“SCHEDULE TWO.

“All those certain parcels or tracts of land in Prince Edward Island being parts of the respective areas granted and conveyed to His Majesty in the right of the Dominion of Canada from His Majesty in the right of the Province of Prince Edward Island by an Indenture executed on the 4th day of March, 1937, by the Honourable Thane A. Campbell, Provincial Secretary of Prince Edward Island, which may be more particularly known and described as follows:—

PARCEL No. 1—

Commencing at a point on the westerly limit of the Mayfield road at the southeasterly corner of a cemetery, said point being distant S. $15^{\circ} 31' \cdot 3$ E., a distance of 3.86 chains from an iron post marked N.P. No. XI as described in said Indenture.

Thence westerly along the south limit of said cemetery on a bearing of S. $74^{\circ} 40'$ W., a distance of 3.19 chains to the southwest corner of said cemetery.

Thence southerly on a bearing of S. $15^{\circ} 31' \cdot 3$ E., a distance of 3.19 chains to a point.

Thence easterly on a bearing of N. $74^{\circ} 40'$ E., a distance of 3.19 chains more or less to intersect the westerly limit of the Mayfield road.

Thence northerly and following the said westerly limit a distance of 3.14 chains more or less to the point of commencement.

PARCEL No. 2—

Commencing at an iron post marked N.P. No. XXV as described in said Indenture.

Thence S. $21^{\circ} 32'$ W., a distance of 9.236 chains more or less to an iron post.

Thence N. $47^{\circ} 44'$ E., a distance of 3.573 chains more or less to an iron post.

Thence N. $6^{\circ} 50'$ E., a distance of 6.228 chains more or less to an iron post marked N.P. No. XXV and point of commencement.

PARCEL No. 3—

Commencing at a point of intersection of a line having a bearing of S. $14^{\circ} 29'.3$ W., from an iron post marked N.P. No. XLIII as described in said Indenture with the line of mean high tide on the shore of Covehead Bay.

Thence on a bearing of N. $14^{\circ} 29'.3$ E., to said post.

Thence continuing in a straight line on said bearing of N. $14^{\circ} 29'.3$ E., a distance of 5.226 chains more or less to an iron post marked N.P. No. XLIV.

Thence on a bearing of S. $81^{\circ} 55'.8$ E., a distance of 14.562 chains more or less to an iron post marked N.P. No. XLV.

Thence on a bearing of N. $44^{\circ} 15'.7$ E., a distance of 23.073 chains more or less to an iron post marked N.P. No. XLVI.

Thence on a bearing of N. $47^{\circ} 30'.8$ W., a distance of 31.88 chains more or less to an iron post.

Thence continuing in a straight line on said bearing of N. $47^{\circ} 30'.8$ W., to its intersection with the line of mean high tide of the entrance to Covehead Bay.

Thence southwesterly and following the line of mean high tide of Covehead Bay to the point of commencement.

PARCEL No. 4—

Commencing at an iron post marked N.P. No. LIII, said post being distant S. $18^{\circ} 27'.6$ E., a distance of 25.724 chains more or less from an iron post marked N.P. No. LII of the original survey as described in said Indenture.

Thence on a bearing of S. $18^{\circ} 27'.6$ E., a distance of 11.959 chains to a point.

Thence on a bearing of N. $77^{\circ} 22'.4$ E., a distance of 11.584 chains to a point.

Thence on a bearing of S. $13^{\circ} 49'$ E., a distance of 15.004 chains, more or less, to intersect the northerly limit of the Stanhope road.

Thence easterly along said northerly limit to an iron post marked N.P. No. LV, a distance of 5.415 chains more or less.

Thence on a bearing of N. $18^{\circ} 27'.6$ W., a distance of 18.855 chains more or less to an iron post.

Thence on a bearing of N. $83^{\circ} 12'.8$ W., a distance of 8.095 chains more or less to an iron post.

Thence on a bearing of N. $18^{\circ} 27' \cdot 6$ W., a distance of 6.545 chains more or less to an iron post.

Thence on a bearing of S. $83^{\circ} 11' \cdot 2$ W., a distance of 8.174 chains more or less to an iron post marked N.P. No. LIII and point of commencement.

PARCEL No. 5—

Commencing at an iron post of the original survey marked N.P. No. LXIII, as referred to in said Indenture, said post being on the easterly limit of Campbell's road at the southwesterly corner of property owned by George D. DeBlois.

Thence on a bearing of N. $61^{\circ} 41' \cdot 4$ E., a distance of 8.637 chains more or less to an iron post marked N.P. No. LXXI.

Thence on a bearing of S. $31^{\circ} 25'$ E., a distance of 4.283 chains more or less to an iron post marked N.P. No. LXX.

Thence on a bearing of N. $67^{\circ} 30'$ E., a distance of 5.90 chains more or less to an iron post marked N.P. No. LXIX.

Thence on a bearing of N. $27^{\circ} 54'$ W., a distance of 12.99 chains more or less to an iron post marked N.P. No. LXVIII.

Thence on a bearing of N. $81^{\circ} 47'$ E., a distance of 25.002 chains more or less to an iron post marked N.P. No. LX.

Thence on a bearing of S. $55^{\circ} 40' \cdot 8$ E., a distance of 37.701 chains more or less to an iron post marked N.P. No. LXI.

Thence on a bearing of N. $82^{\circ} 50' \cdot 6$ W., a distance of 11.227 chains to a point.

Thence on a bearing of S. $11^{\circ} 56' \cdot 2$ E., a distance of 25.55 chains to a point.

Thence on a bearing of S. $31^{\circ} 53' \cdot 8$ W., a distance of 26.113 chains to a point.

Thence on a bearing of S. $14^{\circ} 54' \cdot 8$ W., a distance of 15.354 chains more or less to a point on the northerly limit of the Stanhope-Tracadie road.

Thence westerly and following said northerly limit of the Stanhope-Tracadie road to its intersection with the easterly limit of Campbell's road.

Thence in a straight line defining said easterly limit on a bearing of N. $17^{\circ} 28' \cdot 6$ W., a distance of 45.97 chains more or less to iron post marked N.P. No. LXIII and point of commencement."

2 GEORGE VI.

CHAP. 36.

An Act to amend The Manitoba Natural Resources Act, The Alberta Natural Resources Acts, and The Saskatchewan Natural Resources Acts.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1930, c. 29;
1930, c. 3;
1931, c. 15;
1930, c. 41;
1931, c. 51.

1. This Act may be cited as *The Natural Resources Transfer (Amendment) Act, 1938*. Short title.

2. The Agreements set out in the Schedule to this Act are hereby confirmed and shall have and take effect according to their respective terms. Agreements confirmed.

3. This Act shall be read and construed as one with the following Acts, respectively:— Construction.

(a) *The Manitoba Natural Resources Act*, chapter twenty-nine of the statutes of 1930 (first session);

(b) *The Alberta Natural Resources Acts*, chapter three of the statutes of 1930 (first session) and chapter fifteen of the statutes of 1931;

(c) *The Saskatchewan Natural Resources Acts*, chapter forty-one of the statutes of 1930 (first session) and chapter fifty-one of the statutes of 1931.

SCHEDULE.

MEMORANDUM of Agreement made this 5th day of March
A.D. 1938

BETWEEN:

The Government of the Dominion of Canada, represented
herein by the Honourable Thomas Alexander Crerar,
Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Manitoba, repre-
sented herein by the Honourable John Stewart Mc-
Diarmid, Minister of Mines and Natural Resources,

OF THE SECOND PART.

WHEREAS the Agreement entered into between the parties
hereto on the 14th day of December, A.D. 1929 (hereinafter
referred to as the Natural Resources Transfer Agreement)
was duly approved by the Parliament of Canada and the
Legislature of the Province, and upon an address to His
Majesty from the Senate and House of Commons of Canada,
was confirmed and declared to have the force of law by an
Act of the Parliament of the United Kingdom of Great
Britain and Northern Ireland entitled "*The British North
America Act, 1930*," assented to on 10th July, 1930, being
chapter twenty-six of the Imperial Statutes, 20-21 George V:

AND WHEREAS by paragraph twenty-four of the said
Natural Resources Transfer Agreement it was agreed that
the provisions of the said Agreement might be varied by an
Agreement confirmed by concurrent statutes of the Parlia-
ment of Canada and the Legislature of the Province:

AND WHEREAS the said Natural Resources Transfer
Agreement came into force, pursuant to the provisions
thereof, on the 15th day of July, 1930:

AND WHEREAS the said Natural Resources Transfer
Agreement provided for the transfer to the Province of the
interest of the Crown in all Crown lands, mines and minerals
(precious and base) and royalties derived therefrom within
the Province, and all sums due or payable for such lands,
mines, minerals or royalties upon and subject to the terms
and conditions therein set forth:

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under the *Irrigation Act*, and the *Dominion Water Power Act* was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under the *Irrigation Act*, being chapter sixty-one of the Revised Statutes of Canada, 1906, as amended by chapter thirty eight, 7-8 Edw. VII, and chapter thirty-four, 9-10 Edw. VII, and under the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water-powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the

Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources, has hereunto set his hand on behalf of the Province of Manitoba.

Signed on behalf of the Govern-
ment of Canada by the Hon-
ourable Thomas Alexander
Crerar, Minister of Mines and
Resources, } (Sgd.) T. A. CRERAR.
in the presence of:
(Sgd.) W. C. BETHUNE. }

Signed on behalf of the Govern-
ment of Manitoba by the Hon-
ourable John Stewart Mc-
Diarmid, Minister of Mines } (Sgd.)
and Natural Resources, } J. S. McDIARMID.
in the presence of:
(Sgd.) MARY A. ZAKUS. }

MEMORANDUM of Agreement made this
5th day of March, A.D. 1938.

BETWEEN

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Alberta, represented herein by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,

OF THE SECOND PART:

WHEREAS the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V:

AND WHEREAS by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 29th day of July A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the 1st day of October, A.D. 1930;

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base), and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under the *North-West Irrigation Act, 1898*, and the *Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts, it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed;

AND WHEREAS by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

AND WHEREAS it has been agreed between Canada and the said Province that the terms of said paragraph 2 should be modified as herein set out:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under the *North-West Irrigation Act, 1898*, and the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water powers within the Province as continue in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. Paragraph 2 of the said Natural Resources Transfer Agreement is amended by adding at the end thereof the following words:

“or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells.”

3. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,
in the presence of:

(Sgd.) T. A. CRERAR.

(Sgd.) W. C. BETHUNE.

Signed on behalf of the Government of Alberta by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,
in the presence of:

(Sgd.) D. B. MULLEN.

(Sgd.)
ERNEST C. MANNING.

(Sgd.)
N. E. TANNER.

MEMORANDUM of Agreement made this 5th day of March
A.D. 1938.

BETWEEN

The Government of the Dominion of Canada, represented by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Saskatchewan represented herein by the Honourable William Franklin Kerr, Minister of Natural Resources,

OF THE SECOND PART:

WHEREAS the Agreement entered into between the parties hereto on the 20th day of March, A.D. 1930 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V;

AND WHEREAS by paragraph twenty-six of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province:

AND WHEREAS the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 7th day of August, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the 1st day of October, A.D. 1930;

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines, minerals (precious and base), and royalties derived therefrom within the Province, and all sums due or payable for such lands mines, minerals or royalties upon and subject to the terms and conditions therein set forth;

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water powers within the Province under the *North-west Irrigation Act, 1898*, and the *Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts it is expedient that the transfer to the Province of the interest of the Crown in the waters and water powers aforementioned should be confirmed.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Clause 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "Province" in the sixth line thereof the words "and the interest of the Crown in the waters and water powers within the Province under the *North-west Irrigation Act, 1898*, and the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water powers"; and the amendments to said clause 1 hereinbefore provided shall have effect, and said clause 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water powers within the Province as continue, in virtue of of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable William Franklin Kerr, Minister of Natural Resources, has hereunto set his hand on behalf of the Province of Saskatchewan.

Signed on behalf of the Govern-
ment of Canada by the Hon-
ourable Thomas Alexander
Crerar, Minister of Mines and
Resources, } (Sgd.) T. A. CRERAR,

in the presence of:

(Sgd.) W. C. BETHUNE. }

Signed on behalf of the Govern-
ment of Saskatchewan by
the Honourable William
Franklin Kerr, Minister of } (Sgd.) W. F. KERR.
Natural Resources,
in the presence of:

(Sgd) GEO. SPENCE. }

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 37.

An Act to amend The New Westminster Harbour Commissioners Act.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1913, c. 158;
1931, c. 40.

1. Section four of *The New Westminster Harbour Commissioners Act*, chapter one hundred and fifty-eight of the statutes of 1913, is repealed and the following substituted therefor:—

“4. For the purposes of this Act the Harbour of New Westminster shall be deemed to extend from a line drawn north and south, astronomically, to each shore of the Fraser river, from a point on the line of average high water mark, on the eastern end of Manson or Douglas Island, known as Point Sebastien and situate in the Fraser river at the mouth of the Pitt river; thence down stream, extending on both sides to the line of average high water mark, to lines drawn across the outlets of the Fraser river into the Gulf of Georgia from point to point at low water mark on each of the points of land forming the said outlets, but not extending further northerly than a point equidistant between the most southerly and the most northerly points of the western shore of Lulu Island; and shall also include the adjacent waters of the Gulf of Georgia, upon and over the Sand Heads as far seaward as are from time to time defined by the Governor in Council; but shall not include any portion of the North Arm of the Fraser River west or north of the following described line;

Boundaries
of harbour.

COMMENCING at the south-east corner of District Lot 172, Group 1, New Westminster District; thence due south astronomically to the centre line of the said North Arm; thence westerly following the centre line of the said North Arm to a point due north astronomically of the north-west Corner of District Lot 758,

Group 1, New Westminster District thence due south (astronomic) to the north-west corner of said District Lot 758; and shall also be deemed to include all the foreshore and water lots, wharves, piers and docks, in or along the waters forming as aforesaid the said harbour, save and except the water front, water lots, piers, docks, shores and beaches situate lying and being westerly of a line drawn across the main Fraser River from the north-west corner of Lot 130, Group 2, New Westminster District, to the southerly south-east corner of Section 17, Block 4, North, Range 4, West, New Westminster District, now under the jurisdiction of the Government of the Province of British Columbia."

2. The said Act is further amended by inserting the following section immediately after section ten thereof:—

Remuner-
ation of
Commis-
sioners.

"10A. The chairman and other commissioners may be paid, out of the revenues of the harbour, such remuneration for their services as the Governor in Council from time to time determines."

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 38.

An Act to amend the Northwest Territories Act.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Northwest Territories Act*, chapter one hundred and forty-two of the Revised Statutes of Canada, 1927, is amended by inserting therein immediately after section thirty-nine thereof the following section:—

“39A. (1) Any person in the public service of Canada may, at the instance of His Majesty’s Attorney General of Canada, be granted by the Secretary of State of Canada a certificate of authority in Form A of the Schedule to this Act, which certificate shall remain in force whilst the person named therein remains in the public service of Canada, whether as a peace officer or otherwise and whether he continues to serve in the same capacity or otherwise, subject, however, to rescission of such certificate at any time and at the same instance by such Secretary of State.

(2) Under authority of such certificate but subject to production thereof, if it be demanded, to any person interested as owner, custodian or otherwise of any thing being sought as subject to seizure under this subsection, or of the building or other place or premises in which such thing is believed to be, or to any peace officer, the person named in the certificate may enter in the night time if he be, or be accompanied by, a peace officer, and in the day time without being so accompanied, any building which is not a dwelling house and any other place or premises (including vessels, boats, canoes, vehicles, motor cars, automobiles, aeroplanes and conveyances of any kind whatsoever) which building, place or premises is not within the Territories and in which such person has reason to believe that there is anything the shipment whereof from the Territories is prohibited, conditionally or otherwise,

R.S., c. 142.
Certificate of authority.

Powers under certificate.

by any Act of Canada or Ordinance of the Territories, and may search for such thing there and seize it if and when found, and for the purpose of such search or seizure he may, in case of necessity, break open any entrance or door, wall, floor, window or gate and any chest or package.

Seizure and
forfeiture.

(3) Anything in the shipment or carriage whereof from the Territories is prohibited conditionally or otherwise by any Act of Canada or Ordinance of the Territories and any receptacle of any kind whatsoever and any vessel, boat, canoe, vehicle, motor car, automobile, aeroplane or conveyance of any kind whatsoever found containing or appearing to have been used to remove unlawfully such thing from the Territories, shall be seized by any peace officer having a knowledge thereof and be subject to forfeiture.

Report on
seizure.

R.S., c. 141.

(4) Whenever any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or of the *Northwest Game Act* or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of the *Northwest Game Act* the officer or game warden effecting such seizure or detention shall forthwith report the circumstances of the case to the Commissioner.

Notice of
seizure to
owner.

(5) The Commissioner may thereupon notify the owner or the claimant of the thing seized or detained or his agent or the person alleged to have incurred the penalty or forfeiture or his agent of the reasons for the seizure, detention, penalty or forfeiture and call upon him to furnish within thirty days from the date of the notice such evidence in the matter as he desires to furnish. Such evidence may be by affidavit or affirmation made before any justice of the peace, commissioner for taking affidavits in any court or notary public.

Report to
Minister.

(6) After the expiration of the said thirty days, or sooner if the person so called upon to furnish evidence so desire, the Commissioner, or Deputy Commissioner may consider and weigh the circumstances of the case and report his opinion and recommendation thereon to the Minister.

Minister's
decision.

(7) The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture and the terms, if any, upon which the things seized or detained may be released or the penalty or forfeiture remitted or may refer the same to the Exchequer Court of Canada for decision. The Minister may by regulation authorize the Commissioner or the Deputy Commissioner to exercise the powers conferred by this section upon the Minister.

Deputize
powers.

Decision
final after
30 days.

(8) If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not within thirty days after being notified of the decision of the Minister, the Commissioner or the Deputy

Commissioner give the Minister, the Commissioner or the Deputy Commissioner, as the case may be, notice in writing that such decision will not be accepted the decision shall be final.

(9) If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty within thirty days after being notified of such decision gives the Minister, the Commissioner or the Deputy Commissioner, as the case may be, notice in writing that such decision will not be accepted the Minister may refer the matter to the Exchequer Court of Canada.

Reference to
Exchequer
Court.

(10) On any reference of any such matter by the Minister to the Exchequer Court of Canada that court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which under the direction of that court the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty or the Crown produces and shall decide according to the right of the matter. Judgment may be entered upon any such decision and the same shall be enforceable and enforced in like manner as other judgments of that court.

Judgment of
Exchequer
Court.

(11) The service of notice to produce evidence and of the Minister's decision shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant or the person alleged to have incurred the penalty at his address as stated in the report of the seizure; and the thirty days allowed in respect of either of such notices shall in case of such service by mail be computed from the date of the mailing of such notification.

Service of
notice.

(12) (a) If notice of intent to claim has been given and the value of the goods or things seized does not, in the opinion of the officer effecting the seizure exceed one hundred dollars such officer shall if he chooses to proceed under this section forthwith cause the goods to be valued by a competent appraiser and if such appraiser certifies them not to exceed the said value a summary information in writing may be exhibited before two justices of the peace in the name of any officer authorized thereto by the Minister charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place to claim the articles seized and answer the information and stating that otherwise such articles will be condemned;

Condemnation of
goods not
exceeding
\$100 in value.

(b) A copy of the notice shall at least eight days before the time of appearance be served upon the person from whose possession the things were taken or shall be left

Service of
notice.

at or affixed to a building, vessel or vehicle, if any, in which they were seized if there remaining or posted in clear view at two public places nearest the place of seizure;

Disposition
in summary
manner.

(c) If any person appears to answer the information the justices shall hear and determine the matter in a summary manner and acquit or condemn the articles but if no person appears judgment of condemnation shall be given; and the justices on condemnation shall issue a warrant to the officer first in this section mentioned to sell the goods."

2. The said Act is further amended by adding to the Schedule thereof the following:—

"FORM A.

Certificate of Authority.

Granted to an officer enforcing subsection 3 of Section 39A.
of the Northwest Territories Act.

This is to certify that (*name*) of (*city, town or other place*) in the (*province, &c.*) Dominion of Canada (*office or occupation*) is authorized by and under section 39A of the Northwest Territories Act to enter in the night time if he be or be accompanied by a peace officer and in the day time without being so accompanied any building which is not a dwelling house and any other place or premises, (including vessels, boats, canoes, vehicles, motor cars, automobiles, aeroplanes and conveyances of any kind whatsoever) which building, place or premises is not within the Northwest Territories and in which such person has reason to believe that there is any thing the shipment or carriage whereof from such Territories is prohibited, conditionally or otherwise, by any Act of Canada or Ordinance of such Territories; and to search for such thing there, and to seize it if and when found, and for the purpose of such search or seizure, in case of necessity, to break open any entrance or door, wall, floor, window or gate and any chest or package.

Dated at Ottawa, Canada, this.....day
.....of.....19.....

Secretary of State of Canada''.

2 GEORGE VI.

CHAP. 39.

An Act respecting the North Pacific Pelagic Sealing Convention.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Pelagic Sealing (Convention) Act, 1938*. Short title.

INTERPRETATION.

2. In this Act, unless the contrary intention appears,— Definitions.

(a) "Convention" means the Convention entered into between the United Kingdom of Great Britain and Ireland, the United States of America, Japan and Russia, respecting measures for the preservation and protection of the fur seals in the North Pacific Ocean, signed at Washington on the seventh day of July, one thousand nine hundred and eleven, and set out in the Schedule to this Act; "convention."

(b) "convention waters" means the waters within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the Seas of Bering, Kamchatka, Okhotsk and Japan; "convention waters."

(c) "equipping", in relation to a vessel, shall include furnishing a vessel with any boat, tackle, apparel, furniture, provisions, munitions, fuel or stores, or any other thing which is used in or about a vessel for the purpose of fitting or adapting her for the sea or for carrying, taking or hunting seals; and "equipment" shall include everything within the foregoing description; "equipping and equipment."

(d) "pelagic sealing" means the killing, capturing or pursuing in any manner whatsoever of fur seals at sea; "pelagic sealing."

(e) "regulation" means any regulation made by the Governor in Council under authority of this Act. "regulation."

Officers who
may board
and search.

3. (1) Any commissioned officer on full pay in the military, naval or air service of Canada or in the military, naval or air service of His Majesty, or any fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within Canadian territorial waters covered by the Convention, which he has reason to believe is in any manner being operated or used in contravention of any provision of this Act or regulation or of the provisions of the Convention, or for aiding or facilitating the commission of any such contravention, and may search her cargo and equipment and examine the master or person in command under oath touching the cargo, equipment and voyage.

Penalty for
untruthful
answers.

(2) If the master or person in command of any such ship, vessel or boat does not, upon any examination under oath by any officer or person under the authority of this Act touching the cargo, equipment and voyage of such ship, vessel or boat, truly answer all questions put to him in such examination, he shall incur a fine of four hundred dollars.

Regulations
by Governor
in Council.

4. (1) The Governor in Council may make regulations for the purpose of carrying out the Convention or for giving effect to any of its provisions.

Offence.

(2) Every person who at any time contravenes any regulation, or who at any time procures, aids or abets any such contravention shall be guilty of an offence against this Act.

Publication
in Canada
Gazette.

(3) Every such regulation shall be published in the *Canada Gazette*, and shall, from the date of such publication or from the date specified for such purpose in such regulation, have force and effect as if it were enacted by Parliament.

Pelagic
sealing
forbidden.

5. (1) No national or inhabitant of Canada shall engage in, and no vessel registered in Canada or belonging to any such national or inhabitant shall be operated or used in or for any purpose whatsoever connected with, pelagic sealing in convention waters; provided, however, that this subsection shall not apply to any Indian or other aborigine dwelling on the coast of Canada contiguous to convention waters in respect of his engaging in pelagic sealing in convention waters in strict compliance with the stipulations of Article 4 of the Convention.

Proviso.

Offence.

(2) Every national or inhabitant of Canada who contravenes the provisions of subsection one of this section, or who procures, aids or abets any such contravention, shall be guilty of an offence against this Act.

6. (1) If any person (other than an Indian or other aborigine in respect of the exercise of the privilege reserved by Article 4 of the Convention) uses any port or harbour within Canada for the purpose of equipping any vessel intended to be operated or used for any purpose whatsoever connected with the operations of pelagic sealing in convention waters, he shall be guilty of an offence and liable upon indictment to a fine not exceeding two thousand dollars or to two years' imprisonment, or on summary conviction to imprisonment for a term not exceeding six months with or without hard labour or to a fine not exceeding five hundred dollars, and the vessel and her equipment shall be liable to forfeiture to His Majesty.

Use of Canadian ports for equipping vessels for pelagic sealing prohibited.

Penalty.

Forfeiture.

(2) If any officer authorized by this Act to board and search is satisfied that there is reasonable cause for believing that a vessel has been or is being equipped contrary to this section, he may seize and detain the vessel and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side, or before any Superior Court in the Province in or near which the vessel was seized.

Seizure and detention of offending vessel.

(3) The court may thereupon adjudge the vessel and her equipment to be forfeited to His Majesty and make such order in the case as to the court seems just.

Vessel, etc., to be adjudged forfeited.

(4) Any such officer shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid notwithstanding that the vessel has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, if it is shown to the satisfaction of the court before which any trial relating to such vessel or such seizure or detention is held that there were reasonable grounds for such seizure and detention, but if no such grounds are shown, the court may award costs and damages to any party aggrieved and make such other order in the premises as the court thinks just.

Responsibility of officer making seizure.

Costs and damages.

7. (1) The importation into, or possession within, Canada,

Importation or possession prohibited.

(a) of skins of seals or of sea otters taken in contravention of any provision of this Act or of any regulation, or of the provisions of the Convention, or

(b) of skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus* and *Callorhinus kurilensis*, and belonging to the American, Russian and Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken,

is prohibited.

forfeiture.

(2) Any such skins, except such as are taken and officially marked and certified as aforementioned, or are taken by Indians or other aborigines in the exercise of the privilege reserved by Article 4 of the Convention, if imported into, or if had in possession or otherwise found within Canada, shall thereby become forfeited to His Majesty, and may be seized by any Customs or Fishery Officer, and shall be dealt with as the Minister of Fisheries directs.

Pelagic
sealing by
Indians.

8. Any Indian or other aborigine dwelling on the coast of Canada contiguous to convention waters who carries on pelagic sealing otherwise than in strict compliance with the stipulations of Article 4 of the Convention shall be guilty of an offence against this Act; and any canoe or other vessel including her equipment and any firearms and any fur seal skins found on board thereof, operated or used in, or for the purpose of aiding or facilitating the commission of any such offence, may be seized by any officer authorized under this Act to board and search, and shall be liable to forfeiture to His Majesty as hereinafter provided.

Killing of
sea otters
beyond three
miles from
shore pro-
hibited.

9. (1) No national or inhabitant of Canada shall engage, and no vessel registered in Canada or belonging to any such national or inhabitant shall be operated or used, in killing, capturing or pursuing sea otters in convention waters beyond the distance of three miles from the shore line of the western coast of Canada.

Offence and
forfeiture.

(2) Any person who contravenes the provisions of subsection one of this section shall be guilty of an offence against this Act, and any vessel operated or used as aforementioned and her equipment and any sea otter skins found on board thereof shall be liable to forfeiture to His Majesty.

Vessel, etc.,
liable to
seizure and
forfeiture.

10. (1) Every vessel, including her equipment and any skins of fur seals or sea otters found on board thereof, which is in any manner operated and used in contravention of any provision of this Act, or regulation or of the provisions of the Convention, or for aiding or facilitating the commission of any such contravention, may be seized, except within the territorial jurisdiction of the United States of America, or of Japan or of Russia, by any officer authorized by this Act to board and search, and shall, save as herein otherwise provided, be forfeited to His Majesty.

Nationals and
inhabitants of
Canada, etc.,
may be
detained.

(2) Every national or inhabitant of Canada, or of the United States of America or of Japan or of Russia engaged in pelagic sealing in convention waters in contravention of any provision of this Act or of any regulation, or of the provisions of the Convention, or in aiding or facilitating pelagic sealing as aforesaid, may be taken into custody, except within the territorial jurisdiction of the United States

of America or of Japan or of Russia, and detained by any officer authorized by this Act to board and search.

(3) Whenever any such person is a national or inhabitant of the United States of America or of Japan or of Russia, or any such vessel is registered in, or belongs to a national or inhabitant of any of such countries, and is taken into custody and seized and detained for a contravention of any provision of this Act or of any regulation or of the provisions of the Convention committed in convention waters other than the territorial waters of Canada, such person, or vessel, or other property, shall be delivered as soon as practicable to an authorized official of the United States of America or of Japan or of Russia, as the case may be, at the nearest point to the place of seizure or elsewhere as may be mutually agreed upon, to be dealt with in accordance with the law of such country,

Persons,
vessels, etc.,
delivered to
other
Powers.

11. (1) Every person guilty of an offence against this Act or of a contravention of any regulation shall, unless some other penalty is expressly provided therefor in this Act, be liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Penalty
generally
for viola-
tion.

(2) Where any property is seized in respect of an offence against the provisions of section eight of this Act and a conviction is made in respect of such offence the justice making the conviction may adjudge and order as forfeited to His Majesty for the public uses of Canada the property so seized: Provided that such property shall not be disposed of pending any appeal or any proceeding in which the right of seizure is questioned or before the time within which such appeal or other proceeding may be taken has expired.

Property
may be
forfeited to
His Majesty.

(3) Every person opposing any officer or person in the execution of his duty under this Act or aiding or abetting any other person in such opposition is guilty of an indictable offence and liable to a fine of eight hundred dollars and to two years' imprisonment.

Offence.

12. The Attorney General of Canada may in His Majesty's name sue for or enforce any penalty or forfeiture incurred under this Act.

Attorney
General
may sue.

13. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed.

Limitation
of action.

14. In cases of seizure under this Act the Governor in Council may direct a stay of proceedings and in cases of

Stay of
proceedings.

condemnation may relieve from the penalty in whole or in part and on such terms as are deemed right.

Adminis-
tration.

15. Save as herein otherwise provided, the Minister of Fisheries shall have the administration of this Act, and of the regulations.

Act
repealed.

16. The *Pelagic Sealing Act*, chapter one hundred and fifty-three of the Revised Statutes of Canada, 1927, is hereby repealed.

Duration
of Act.

17. This Act shall continue in force until a day which may be fixed by proclamation of the Governor in Council following upon the termination of the Convention, and no longer.

SCHEDULE.

CONVENTION

BETWEEN GREAT BRITAIN, THE UNITED STATES OF AMERICA, JAPAN AND RUSSIA, FOR THE ADOPTION OF MEANS LOOKING TO THE PRESERVATION AND PROTECTION OF THE FUR SEAL. SIGNED AT WASHINGTON, ON JULY 7, 1911.

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honourable Charles Nagel, Secretary of Commerce and Labour of the United States, and the Honourable Chandler P. Anderson, Counsellor of the Department of State of the United States;

His Britannic Majesty, the Right Honourable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honourable Hitoshi Dauke, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honourable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Ohkotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offence and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offence, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offence.

ARTICLE 2.

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbours or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article 1.

ARTICLE 3.

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article 1, and no sealskins identified as the species known as *Callorhinnus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds,

except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE 4.

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article 1 who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised and without the use of firearms; provided that such aborigines are not in the employment of other persons, or under contract to deliver the skins to any person.

ARTICLE 5.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article 1 of this Convention.

ARTICLE 6.

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violation thereof.

ARTICLE 7.

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE 8.

All of the High Contracting Parties agree to co-operate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article 1.

ARTICLE 9.

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE 10.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article 1 subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE 11.

The United States further agrees to pay the sum of two hundred thousand dollars (\$200,000) to Great Britain and the sum of two hundred thousand dollars (\$200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars (\$200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese shares respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15 per cent) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars (\$10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4 per cent) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE 12.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other islands or shores of the waters defined in Article 1 subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided,

however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins, on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5 per cent) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eight-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE 13.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article 1 subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase

its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5 per cent) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eighty-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE 14.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article 1 subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

ARTICLE 15.

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE 16.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by

one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE 17.

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the seventh day of July, in the year one thousand nine hundred and eleven.

CHARLES NAGEL,	[L.S.]
CHANDLER P. ANDERSON,	[L.S.]
JAMES BRYCE,	[L.S.]
JOSEPH POPE,	[L.S.]
Y. UCHIDA,	[L.S.]
H. DAUKE,	[L.S.]
P. BOTKINE,	[L.S.]
NOLDE.	[L.S.]

2 GEORGE VI.

CHAP. 40.

An Act to amend the Railway Act.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 170;
1928, c. 43;
1929, c. 54;
1930, c. 36;
1932-33, c. 47.

1. Subsection one of section two hundred and three of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

“203. (1) Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty or of any person lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established by mutual agreement, and failing such agreement, in the manner provided by law with respect to such railway or, in the alternative, at the option of the claimant, by the Board of Railway Commissioners for Canada, who, upon hearing, shall determine and fix the compensation to be paid the owner by way of damages.”

Snow fences.

Compensation.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 41.

An Act respecting the Registration of Shop Cards by Labour Unions.

[Assented to 24th June, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Shop Cards Registration Act, 1938.* Short title.

INTERPRETATION.

2. In this Act, and in any regulations made hereunder, Definitions.
unless the context otherwise requires,

- (a) "labour union" or "union" means any organization of employees formed for the purpose of regulating the relations between employers and employees; "labour union," "union."
- (b) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act; "Minister."
- (c) "Register" means the Register of Shop Cards maintained pursuant to this Act; "Register."
- (d) "Registrar" means the officer appointed by the Governor in Council to act as Registrar under this Act; "Registrar."
- (e) "Shop Card" means any design, emblem, figure, sign, seal, stamp, ticket, device or other form of advertisement adopted by a labour union. "Shop Card."

3. The Minister shall cause to be kept, under the supervision of the Registrar, a Register of Shop Cards in which, subject as hereinafter provided, any labour union may cause to be registered any Shop Card it has adopted. Register.

4. A labour union may apply for the registration of a Shop Card by filing with the Registrar an application therefor accompanied by a declaration made by the President, Application for registration.

Exclusive use. dent, Secretary or other executive officer of such union thereunto authorized, specifying the name of the union on behalf of which such application is being made, the description of the Shop Card and the purpose of its use, and from the date of registration such union shall have the exclusive right of use of such Shop Card; and the said union shall, for the purposes of this Act, be considered the proprietor of such Shop Card.

Grounds for refusing registration.

5. (1) The Minister may refuse to authorize the registering of any Shop Card:—

- (a) if he is not satisfied that the applicant is entitled to the exclusive use of such Shop Card;
- (b) if the Shop Card submitted for registration is identical with or resembles a Shop Card already registered;
- (c) if it appears that the Shop Card is calculated to deceive or mislead the public;
- (d) if the Shop Card contains any immoral or scandalous figure;
- (e) if, in the opinion of the Minister, the registration of the Shop Card is otherwise on public grounds objectionable.

Registrar to refuse application.

(2) If the Minister refuses to authorize the registering of any Shop Card, the Registrar shall refuse the application and shall give notice in writing to the applicant of his refusal and shall state his reasons for refusing to grant the application for registration.

Appeal to Exchequer Court.

(3) Upon the refusal of the Registrar to grant, wholly or in part, any application authorized by this Act to be made to him, the applicant may appeal from such refusal to the Exchequer Court of Canada within sixty days from the date upon which the notice of the decision was despatched to the applicant by the Registrar or within such further times as the Court may allow, either before or after the expiry of the sixty days aforesaid.

Notice of appeal.

(4) Notice of such appeal shall within the time limited as aforesaid be filed with the Registrar and with the Registrar of the Exchequer Court of Canada and a like notice shall within such time be given by registered mail to such unions as may appear from the register to be the proprietors of any Shop Cards which have been referred to by the Registrar in the decision complained of.

Public notice.

(5) In any case in which by reason of the nature of the question presented by such appeal, the Court considers that such question cannot be properly dealt with without public notice by advertisement or otherwise of the hearing of the appeal, it may direct such public notice to be given in such manner as appears to it to be necessary to bring the question raised to the attention of the persons whom it considers may be concerned or interested in the decision thereof.

(6) Subject to the direction of the Court, any such appeal shall be deemed to have been abandoned if it has not been brought on for hearing within six months after notice thereof was filed with the Registrar of the Exchequer Court of Canada. Appeal may be deemed abandoned.

6. No Shop Card registered by any labour union may be assigned by any process of law or otherwise. No assignment.

7. A labour union may authorize the use of any Shop Card registered by it and such authorization shall be subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for the use of such Shop Card, and the union shall grant the use of the Shop Card to any applicant who complies with the rules of the union. Authorized use by others.

8. A Shop Card, when registered, shall endure for the term of fifteen years, but may be renewed before the expiration of the said term by the proprietor thereof, or by his legal representative, for another term of fifteen years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of fifteen years. Term of endurance and renewal.

9. (1) An action or suit may be maintained in any court of record having jurisdiction to the amount claimed, by any labour union which has complied with the provisions of this Act as to registration, or by any authorized executive officer thereof, against any person, firm, labour union, association, or corporation, alleged to be using without permission the Shop Card of such labour union. Action for unauthorized use.

(2) Nothing in this Act contained shall enable any suit, action, garnishee, interpleader or other proceeding to be brought, had or maintained against a labour union, except for the purpose of this Act. Limitation.

10. (1) A labour union which has registered a Shop Card may petition for the cancellation of the same by petition addressed to the Minister, and the Minister may on receiving such petition cause the registration of the Shop Card to be cancelled. Petition for cancellation.

(2) The Exchequer Court of Canada may, on application, direct the cancellation of the registration of any Shop Card registered by a labour union if, in the opinion of the Court, such action is justified by all the circumstances of the case. Cancellation.

(3) The Exchequer Court of Canada may, on the information of the Attorney General, or at the suit of any person aggrieved by any omission to make, without sufficient cause, any entry in the Register of Shop Cards, or by any Making, expunging or varying an entry.

entry made without sufficient cause in any such Register, make such order for making, expunging or varying any entry in any such Register as the Court thinks fit.

Additions or alterations.

(4) The proprietor of a registered Shop Card may apply to the Exchequer Court of Canada for leave to add to or alter any such Shop Card in any particular not being an essential particular, and the Court may refuse or grant leave on such terms as it may think fit.

Appeal to Exchequer Court.

(5) Due notice in writing of any intended application to the Court under this section for leave to add to or alter any such Shop Card shall be given by the applicant to the Minister, and he shall be entitled to be heard on the application.

Copy of order to be transmitted to the Minister.

(6) A certified copy of any order of the Court for the making, expunging or varying of any entry in the Register of Shop Cards, or for adding to or altering any registered Shop Card shall be transmitted to the Minister by the Registrar of the Court, and such Register shall thereupon be rectified or altered in conformity with such order, or the purport of the order otherwise duly entered therein, as the case may be.

Certificate to be received as *prima facie* evidence.

11. A certificate that any Shop Card has been duly registered in accordance with the provisions of this Act, which purports to be signed by the Minister or the Registrar shall, without proof of the signature, be received in all courts in Canada as *prima facie* evidence of the facts therein alleged.

Regulations.

12. The Governor in Council may make regulations deemed expedient for carrying into effect the objects of this Act and in particular with respect to the following matters:—

- (a) the form of Register of Shop Cards and of the indexes thereto which are to be maintained pursuant to this Act and of the entries to be made therein;
- (b) the form and contents of application for registration of any Shop Card;
- (c) the form and contents of certificates of registration;
- (d) the fees prescribed in respect of applications to register Shop Cards and in respect of all other services performed by the Registrar under the Act.

Commencement of Act.

13. This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

2 GEORGE VI.

CHAP. 42.

An Act to amend the Bank of Canada Act.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 43;
1936, c. 22.

1. This Act may be cited as the *Bank of Canada Act Amendment Act, 1938*. Short title.

2. Paragraph (f) of section two of the *Bank of Canada Act*, being chapter forty-three of the statutes of 1934, is repealed and the subsequent paragraphs of the said section are designated (f), (g), (h), (i) and (j). Meeting.

3. Subsection one of section five of the said Act, as enacted by section four of the *Bank of Canada Act Amendment Act, 1936*, is repealed and the following substituted therefor:— 1936, c. 22.

“5. (1) The Bank shall be under the management of a Board of Directors composed of a Governor, a Deputy Governor and eleven directors appointed in accordance with the provisions of this Act. There may also be an Assistant Deputy Governor who shall not as such be a member of the Board.” Board of directors.

4. Subsection one of section seven of the said Act is repealed and the following substituted therefor:—

“7. (1) The Governor of the Bank shall be the chief executive officer and shall on behalf of the Board have the direction and control of the business of the Bank, with authority to act in connection with the conduct of the business of the Bank in all matters which are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee”. Powers of Governor.

5. Section nine of the said Act, as enacted by section six of the said amending Act, is repealed and the following substituted therefor:—

Directors. “**9.** (1) The Minister with the approval of the Governor in Council shall as of the first day of March in each year appoint for terms of three years each a sufficient number of directors to provide that there shall be eleven directors: Provided, however, that every director holding office at the date of the coming into force of this subsection shall continue as a director up to and including the last day of February in the year of the expiration of the term of office for which he was elected or appointed.

Vacancy. (2) In the event of a vacancy amongst the directors the Minister shall, with the approval of the Governor in Council, appoint a qualified person to hold office for the remainder of the term.

Votes. (3) In the transaction of the business of the Bank each director shall have one vote.

May be re-appointed. (4) The directors shall on the expiration of their terms of office be eligible for re-appointment.”

6. Section ten of the said Act, as enacted by section seven of the said amending Act, is repealed and the following substituted therefor:—

Selection of directors. “**10.** (1) The directors shall be selected from diversified occupations; but no person shall be eligible for appointment who is a director, officer or employee of a chartered bank, and any person appointed as a director who is a shareholder of a chartered bank shall divest himself of ownership of his shares within three months of the date of his appointment and shall not thereafter during the term of his office have an interest, either directly or indirectly, as a shareholder in a chartered bank.

Disqualifications. (2) No person shall be appointed, or shall continue to hold office as a director who—

(a) is not a British subject ordinarily resident in Canada; or

(b) is employed in any capacity in the public service of Canada or of any province of Canada, or holds any office or position for which any salary or other remuneration is payable out of public moneys; provided, however, that a director may perform temporary services for the Government of Canada or any province for which he may be reimbursed actual living and travelling expenses; or

(c) has reached the age of seventy-five years.

Removal if permanently incapacitated. (3) If any director, in the opinion of the Board, becomes permanently incapacitated, he may be removed from office by resolution of the Board approved by the Governor in Council.”

7. Section eleven of the said Act is repealed and the following substituted therefor:—

“11. The directors shall be entitled to receive for attendance at directors’ meetings and executive committee meetings, such fees as may be fixed by the by-laws of the Bank, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not exceed twenty thousand dollars in any year.” Directors’ fees.

8. Section seventeen of the said Act, as enacted by section ten of the said amending Act, is repealed and the following substituted therefor:—

“17. (1) The capital of the Bank shall be five million dollars but may be increased from time to time pursuant to a resolution passed by the Board of Directors and approved by the Governor in Council and by the Parliament of Canada.” Capital.

(2) The capital shall be divided into one hundred thousand shares of the par value of fifty dollars each, which shall be issued to the Minister to be held by him on behalf of the Dominion of Canada. Shares.

(3) The shares issued to the Minister shall be registered by the Bank in his name in the books of the Bank at Ottawa.” Registered in Minister’s name.

9. The said Act is further amended by inserting after section seventeen the following section:—

“17A. (1) The Minister shall, as of the date of the coming into force of this subsection, exchange one hundred thousand Class “B” shares of the Bank out of the one hundred and two thousand Class “B” shares of the Bank then held by him for one hundred thousand shares of the capital of the Bank authorized to be issued by section seventeen of this Act and the said one hundred thousand Class “B” shares of the Bank so exchanged shall forthwith be cancelled.” Exchange of shares.

(2) The Bank shall on the date of the coming into force of this subsection pay to each holder of Class “A” shares of the Bank the sum of fifty-nine dollars and twenty cents for each Class “A” share registered in his name at the close of business on the fifteenth day of July, 1938 together with the amount of dividends accrued to the date of the coming into force of this subsection and all Class “A” shares of the Bank shall be deemed to be cancelled as of the date of the coming into force of this subsection. Price to be paid for Class “A” shares.

(3) The Minister shall as of the date of the coming into force of this subsection reimburse the Bank the amount by which payments made by the Bank to the holders of Class “A” shares, excluding any amount paid by way of dividend, exceed the par value of such shares and such reimbursement shall be effected by surrendering to the Minister to reimburse the Bank.

Bank for cancellation two thousand of the Class "B" shares held by the Minister having the aggregate par value of one hundred thousand dollars and by paying to the Bank out of any unappropriated moneys in the Consolidated Revenue Fund the sum of eight hundred and twenty thousand dollars.

Bank to
pay accrued
dividends
upon Class
"B" shares.

(4) The Bank shall, on the date of the coming into force of this subsection, pay to the Minister on behalf of the Dominion of Canada, the amount of dividends accrued up to the said date upon the one hundred and two thousand Class "B" shares of the Bank held by the Minister as of the said date."

Repeal.

10. Section eighteen of the said Act is repealed.

Repeal

11. Section nineteen of the said Act, as enacted by section eleven of the said amending Act, is repealed.

12. Paragraphs (d) and (f) of subsection one of section twenty-one of the said Act, as enacted by section thirteen of the said amending Act, are repealed and the following substituted therefor:—

Bank may
buy and
sell Dominion
or provincial
securities.

"(d) buy and sell securities issued or guaranteed by the Dominion of Canada or any province, having a maturity exceeding two years from the date of acquisition by the Bank, but the Bank shall at no time hold securities not maturing within two years having a par value in excess of fifty per cent of its outstanding note issue and deposit liabilities, nor shall the Bank at any time hold securities not maturing within ten years of a par value in excess of five times the amount of the paid-up capital and rest fund of the Bank;

Securities
of the U.K.
or U.S.

(f) buy and sell securities issued by the United Kingdom or the United States of America having a maturity exceeding six months from the date of acquisition by the Bank, but the Bank shall at no time hold such securities of a par value in excess of one-half of the amount of the paid-up capital of the Bank."

13. Subsections one, two and three of section twenty-seven of the said Act are repealed and the following substituted therefor:—

Reserves
to be
maintained
by chartered
banks.

"**27.** (1) Every chartered bank shall maintain a reserve of not less than five per centum of such of its deposit liabilities as are payable in Canadian dollars, and such reserve shall consist of a deposit with the Bank and of notes of the Bank held by such bank.

Chartered
banks to
make
returns.

(2) For the purposes of this section, every chartered bank shall make a return to the Bank to be signed by the chief accountant or acting chief accountant and by the general manager or acting general manager of such bank, showing

the amount of such of its deposit liabilities as are payable in Canadian dollars and also the amount of its deposit with the Bank and the amount of the notes of the Bank held by such bank, at the end of each juridical day of the month last preceding the date of the return, and showing for the month the daily average amount of such deposit liabilities and of its deposit with the Bank and of the notes of the Bank held by such bank. Such return shall be delivered or transmitted to the Bank at the same time as the return to the Minister, pursuant to section one hundred and twelve of *The Bank Act*, is transmitted or delivered.

1934, c. 24.

(3) The daily average amount of such of its deposit liabilities as are payable in Canadian dollars for each chartered bank shall be the basis of determining the amount of the reserve to be maintained by such bank during the month next following the month in which such return was made.”

Basis of reserve of chartered banks.

14. Section thirty-one of the said Act, as amended by section nineteen of the said amending Act, is repealed and the following substituted therefor:—

“**31.** The Bank shall establish a rest fund and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks and after deducting an amount equal to four and one-half per centum of the paid-up capital which may be utilized for the payment of cumulative dividends at a rate of four and one-half per centum per annum, payable half-yearly, the ascertained surplus available from the operations of the Bank during each financial year shall be applied by the Board as follows:

Rest fund.

- (a) If the rest fund of the Bank is less than the paid-up capital, one-third of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;
- (b) If the rest fund is not less than the paid-up capital but is less than twice the paid-up capital, one-tenth of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;
- (c) If the rest fund is not less than twice the paid-up capital, the whole of such surplus shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund.”

15. Section thirty-four of the said Act, as amended by section twenty-two of the said amending Act, is repealed and the following substituted therefor:—

“**34.** (1) The fiscal year of the Bank shall be the calendar year.

Fiscal year.

Certified
statement of
accounts to
Minister.

Governor's
report.

Statement
and report in
Gazette.

(2) Within six weeks after the end of each fiscal year, the Bank shall transmit to the Minister a statement of its accounts for the fiscal year, signed by the Governor or the Deputy Governor or the Assistant Deputy Governor and the Chief Accountant or Acting Chief Accountant of the Bank, and certified by the auditors in the form prescribed by the by-laws of the Bank, together with such summary or report by the Governor as he may deem desirable or as may be required by the Minister.

(3) A copy of the accounts so signed and certified and of the Governor's report shall be forthwith published in the *Canada Gazette*, and if Parliament is then sitting, shall within fourteen days after the receipt thereof by the Minister be laid before Parliament, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session thereof."

Annual list of
shareholders.

16. Section thirty-five of the said Act is repealed.

Meetings.

17. Section thirty-six of the said Act is repealed.

18. Section forty-one of the said Act is repealed and the following substituted therefor:—

Insolvency
and winding-
up.

"**41.** No statute relating to the insolvency or winding-up of any corporation shall apply to the Bank and in no case shall the affairs of the Bank be wound up unless Parliament so provides: Provided, however, that if provision is made for winding up the Bank the notes of the Bank outstanding shall be the first charge upon the assets."

19. Section forty-three of the said Act is repealed and the following substituted therefor:—

By-laws.

"**43.** (1) The Board, with the approval of the Governor in Council, may make by-laws not repugnant to the provisions of this Act with respect to

(a) the declaration and payment of dividends;

(b) the calling of meetings of the Board and of the Executive Committee and what number of persons shall constitute a quorum in each case, and how questions considered at such meetings shall be determined;

(c) the fees of directors and the duties and conduct of officers, clerks and employees of the Bank;

(d) the form of the annual statement of accounts; and

(e) generally as to the management and disposition of the stock, property and undertakings of the Bank; and may amend or repeal such by-laws.

(2) Every by-law and every amendment or repeal thereof shall take effect when published in the *Canada Gazette*".

20. Subsection one of section twenty-four of the French version of the said *Bank of Canada Act* is amended by striking out the word "vingt-cinq" in the sixth line thereof and substituting therefor the word "vingt-six". French version amended.

21. This Act shall come into force on a date to be fixed by proclamation. Coming into force.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 43.

[Assented to 1st July, 1938.]

An Act to authorize the provision of moneys to meet certain expenditures made and indebtedness incurred by the Canadian National Railways System during the calendar year 1938, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1931, cc.
22, 23;
1932, cc.
6, 15, 25, 26;
1932-33, c. 34;
1935, c. 17;
1936, c. 27;
1937, c. 6.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1938*. Short title.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (herein called "the National Company") may issue notes, obligations, bonds, debentures or other securities (herein called "securities") bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve to provide the amounts necessary to meet in whole or in part expenditures made or indebtedness incurred during the calendar year 1938 by or on behalf of any companies or railways comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*, on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures",—

Power to
issue
securities for
refunding
and capital
expenditures.

1937, c. 22.

(a) Retirement of maturing capital obligations, miscellaneous maturing or matured notes and other obligations secured or unsecured and payment of sinking funds, not exceeding \$9,019,233.00;

(b) Additions and betterments including co-ordinations and acquisition of real or personal property, not exceeding \$8,555,000.00 estimated as follows:—

General additions and betterments.....	\$12,321,392 00
Less: Equipment retirements.....	7,921,392 00
	\$ 4,400,000 00
New equipment purchases.....	3,455,000 00
Acquisition of securities.....	700,000 00
	\$ 8,555,000 00

Proviso.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the National Company is hereby authorized to issue from time to time shall not exceed the sum of \$17,574,233.00 being the total of the items hereinbefore set out.

Minister of Finance may make loans for refunding and capital expenditures.

3. The Minister of Finance, with the approval of the Governor in Council, may make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of meeting authorized expenditures, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may determine and secured by securities which the National Company is authorized to issue from time to time under the provisions of section two of this Act, upon applications, approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance, for such loans: Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of \$17,574,233.00.

Proviso.

Issue and guarantee of substituted securities.

4. Should any such temporary loans be made within the limits aforesaid, substituted securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Power to aid other companies.

5. The National Company may aid and assist, in any manner, any other or others of the said companies and railways and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies and railways from time to time:—

(a) Apply the proceeds of any issue of securities in meeting authorized expenditures on its own account or on account of any other or others of the said companies and railways;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies and railways, upon or without any security, at discretion.

6. The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (herein called "guaranteed securities") which the National Company may make or issue from time to time under the provisions of section two of this Act. Guarantee.

7. (1) The guarantee or guarantees may be in such forms and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or the acting Minister of Finance or by such other person as the Governor in Council may from time to time designate and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with. Form and terms of guarantee.

(2) Any such guarantee may be either a general guarantee covering the total amount of the issue or be a separate guarantee endorsed on each obligation. Method of guarantee.

(3) With the approval of the Governor in Council temporary guarantees may be made, to be subsequently replaced by permanent guarantees. Temporary guarantee.

8. (1) The proceeds of any sale, pledge or other disposition of any guaranteed securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada in trust for the National Company in one or more banks designated by him. Proceeds paid to credit of Minister of Finance in trust.

(2) The Board of Directors of the National Company may from time to time authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited as aforesaid to the National Company for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of this Act, and the Minister of Transport may in his discretion approve the said applications and may request the Minister of Finance to release the amount or amounts of such applications or part thereof accordingly. Application for the release of any part of the proceeds.

2 GEORGE VI.

CHAP. 44.

An Act to amend the Criminal Code.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 36;
1930, c. 11;
1931, c. 28;
1932, cc. 7, 8,
9, 28;
1932-33, cc.
25, 53;
1934, cc. 11,
47;
1935, cc. 36,
56;
1936, c. 29

1. Paragraph fifteen of subsection one of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

“(15) “feeble-minded person” means a person in whose case there exists from birth or from an early age, mental defectiveness not amounting to imbecility yet so pronounced that he requires care, supervision and control for his own protection or for the protection of others;”

“Feeble-minded person.”

2. Paragraph (b) of subsection one of section one hundred and nineteen of the said Act, as enacted by section one of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

“(b) being an alien, has in his possession any pistol, revolver, shot gun, rifle or other such firearm or any ammunition for any such firearm without having a permit in Form 76B: Provided however that any *bona fide* sportsman and hunter shall be permitted to enter or pass through Canada having in his possession any shot gun, rifle or other such firearm, or any ammunition therefor, on condition that he pass continuously through and out of Canada, or if not that he apply for a permit in Form 76B without undue delay after entering Canada. For the purpose of this paragraph, the burden of proof that the accused is not an alien shall be upon him;”

Alien not to have firearms without permit.

3. Paragraph (d) of subsection one of section one hundred and nineteen of the said Act, as enacted by section

one of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Selling or
lending.

“(d) sells any pistol, revolver or other offensive weapon that may be concealed upon the person, or without lawful excuse gives or lends any pistol, revolver or other weapon as aforesaid, to any one not being the holder of an appropriate permit, and if such permit is one to purchase does not acquire and retain such permit;”

4. Subsection one of section one hundred and nineteen of the said Act, as enacted by section one of chapter forty-seven of the statutes of 1934, is further amended by adding thereto, immediately after paragraph (h), the following as paragraph (i):—

Altering
serial
number.

“(i) alters, defaces or removes any manufacturer’s serial number on or from any pistol, revolver or other firearm capable of being concealed upon the person.”

5. Subsection two of section one hundred and twenty of the said Act, as enacted by section two of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Other
permits.

“(2) The Commissioner of the Royal Canadian Mounted Police or any officer thereof duly authorized by him, or any person authorized by the Attorney General of any province, may, upon sufficient cause being shown, issue a permit in Form 76A, 76B, 76C, 76D, 76E or 76F to any applicant therefor as to whose discretion and good character he is satisfied.”

6. Section one hundred and twenty-one A of the said Act as enacted by section three of chapter forty-seven of the statutes of 1934, is amended by adding thereto as subsection three the following:—

Registration
of revolvers
and pistols.

“(3) In addition to the registration provided for in subsection two of this section there shall be, similarly, a general registration of all revolvers and pistols during the period between the first day of March and the first day of July in 1939, and during the same period every five years thereafter.”

7. Section one hundred and twenty-two of the said Act, as enacted by section four of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Having
pistol or
revolver
while
committing
offence.

“122. (1) Every one who has upon his person a rifle, shot-gun, pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years

in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence.

(2) Such imprisonment shall be served after undergoing any term of imprisonment to which such person may be sentenced for the first mentioned offence.”

When imprisonment to be served.

8. Section one hundred and twenty-five of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

“125. (1) Every peace officer may search any person whom he has reason to believe and does believe has upon his person any offensive weapon, contrivance or device contrary to the provisions of the ten next preceding sections and may seize any offensive weapon, device or contrivance illegally in the possession of any person without a permit.

Search.

(2) Any offensive weapon, device or contrivance had or carried in violation of the ten next preceding sections shall be forfeited to the Crown, to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.”

Disposal of weapon.

9. Section one hundred and twenty-six of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

“126. (1) Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars who sells or gives any firearm, pistol, revolver or air-gun, or any ammunition thereof, to a minor under the age of fourteen years not being the holder of a permit in Form 76F, unless he establishes to the satisfaction of the justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift and that he had good reason to believe that such minor was not under the age of fourteen years.

Selling pistol or air-gun to minor.

(2) Any firearm, pistol, revolver or air-gun or any ammunition thereof had or carried by any minor under the age of fourteen years elsewhere than in his own dwelling house or premises without a permit may be seized by a peace officer and shall thereupon be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.”

Seizure and disposal of weapon.

10. Section one hundred and ninety-six of the said Act is repealed and the following substituted therefor:—

Full term
to be served
when
retaken.

"**196.** (1) Every one who escapes from custody and is retaken shall, after undergoing the punishment, if any, to which he may be sentenced for such escape, undergo imprisonment equivalent to the remainder of his term unexpired at the time of his escape.

Place to
be served.

(2) Such imprisonment shall, if no imprisonment for such escape is awarded, be served in the prison to which he was sentenced otherwise it shall be served in the same prison to which he is sentenced for such escape.

Penitentiary
or other
prison.

(3) Imprisonment for such escape may be to the penitentiary or other prison from which the escape was made whether the term of such imprisonment is less than two years or two or more years."

11. The said Act is further amended by inserting immediately after section two hundred and seven the following as section two hundred and seven A:—

Restriction
on publica-
tion of
reports of
judicial
proceedings.

"**207A.** (1) Every person being a proprietor, editor, master printer or publisher is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine, who prints or publishes or causes or procures to be printed or published:—

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say:—

(i) the names, addresses and occupations of the parties and witnesses;

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;

(iv) the summing up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment;

Provided that nothing in this part of this subsection shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of this subsection.

No prosecu-
tion without
leave of
Attorney
General.

(2) No prosecution for an offence under this section shall be commenced without the leave of the Attorney General for the province in which the offence is alleged to have been committed.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.” Exceptions.

12. Subparagraph (ii) of paragraph (b) of subsection one of section two hundred and twenty-six of the said Act is repealed and the following substituted therefor:—

“(ii) the whole or any portion of the stakes or bets or other proceeds at or from such games is either directly or indirectly paid to the person keeping such house, room or place, or any direct or indirect fee is charged to or paid by the players or any of them for the right or privilege of participating, or for the purpose of enabling them or any of them to participate, in such games or for the use of any gaming appliances, tables, chairs or other paraphernalia employed in playing such games; but the provisions of this subparagraph shall not apply to any house, room or place while occupied and used by an incorporated *bona fide* social club or branch thereof if the whole or any portion of the stakes or bets or other proceeds at or from such games is not either directly or indirectly paid to the person keeping such house, room or place, and no fee in excess of ten cents per hour or fifty cents per day is charged to the players for the right or privilege of participating in such games, nor while occasionally being used by charitable or religious organizations for playing games therein for which a direct fee is charged to the players if the proceeds are to be used for the benefit of any charitable or religious object.” Common gaming house defined.

13. The last two provisos of subsection two of section two hundred and thirty-five of the said Act are repealed and the following substituted therefor:—

“Provided also, that for the purpose of recording the amounts deposited by the betters a type of pari-mutuel machine be used which has been approved by an officer appointed by the Minister of Agriculture and that the operation of pari-mutuel machines and the carrying out of the provisions of this section be under the supervision of an officer appointed by the Minister of Agriculture Race meetings, pari-mutuel machines.

whose duty it shall be to ascertain that the said machines are stopped before each race and no further amounts are deposited when the horses, on their way to the post, have passed a point one-eighth of a mile from the post or such other distance from the post as the Minister of Agriculture may determine, and that the said machines are then locked. The expense incident to such supervision for each meeting to be borne by the association: Provided further, that the Minister of Agriculture if he is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting, or that the provisions of this section are being carried out in good faith by the person or association conducting the race meeting, may at any time order the said machines to be locked and their operation stopped for such time as he may think fit."

14. Paragraph (f) of section two hundred and thirty-eight of the said Act is repealed and the following substituted therefor:—

Disorderly
conduct.

"(f) causes a disturbance in or near any street, road, highway or public place, by screaming, shouting, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers;"

15. Subsection two of section two hundred and eighty-five of the said Act is repealed and the following substituted therefor:—

Liability
of driver
of car for
failure to
stop after
accident
happened.

"(2) Whenever, owing to the presence of a motor car on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor car shall be guilty of an offence and liable, either on indictment or on summary conviction to a fine not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding six months if, with intent to escape liability either civil or criminal, he fails to stop his car, tender assistance, and give his name and address. Such failure shall be *prima facie* evidence of an intent as aforesaid."

16. Section two hundred and eighty-five of the said Act, as amended by section six of chapter eleven of the statutes of 1930, by section eight of chapter forty-seven of the statutes of 1934, by section four of chapter fifty-six of the statutes of 1935, and by section fifteen of this Act, is further amended by adding thereto the following subsections:—

Reckless
or dangerous
driving.

"(6) Every one who drives a motor vehicle on a street, road, highway or other public place recklessly, or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition,

dition, and use of the street, road, highway or place, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on such street, road, highway or place, shall be guilty of an offence and liable

(a) upon indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine; or Penalty.

(b) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars or to both such imprisonment and fine.

(7) Where any person is convicted of an offence under the provisions of subsections one, two, four or six of this section the court or justice may, in addition to any other punishment provided for such offence, make an order prohibiting such person from driving a motor vehicle or automobile anywhere in Canada during any period not exceeding three years. Prohibiting driving.

(8) Every one is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and fine who, whilst disqualified from driving a motor vehicle or an automobile by reason of the legal suspension or cancellation in any province of his permit or licence to drive therein, or by reason of an order made under the provisions of subsection seven of this section, drives any motor vehicle or automobile anywhere in Canada.” Driving when licence suspended or order made prohibiting driving.

17. Subsection one of section three hundred and seventy-four of the said Act is repealed and the following substituted therefor:—

“**374.** (1) Every one who steals any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the value of the property stolen or the amount of injury done, or to six months’ imprisonment, or to both.” Plants, etc., growing in garden.

18. Section three hundred and seventy-five of the said Act is repealed and the following substituted therefor:—

“**375.** (1) Every one who steals any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed not being a garden, orchard, pleasure ground or nursery ground, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars over and Cultivated plants, etc., growing elsewhere.

above the value of the property stolen or the amount of the injury done, or to six months' imprisonment or to both.

Subsequent
offence.

(2) Every one who, having been convicted of any such offence, afterwards commits any such offence is liable to one year's imprisonment with hard labour."

19. Subsection one of section three hundred and seventy-seven of the said Act is repealed and the following substituted therefor:—

Theft of
automobiles.
Minimum
sentence.

"**377.** (1) Every one is guilty of an indictable offence who steals any automobile or motor car and shall be sentenced to not less than one year's imprisonment. The provisions of subsection one of section one thousand and thirty-five shall not apply or extend to any such person, and sentence in any such case shall not be suspended without the concurrence of the Attorney General or his agent, or of the counsel acting for the Crown in the prosecution of the offender."

20. The said Act is further amended by inserting immediately after section four hundred and five A the following section as four hundred and five B:—

Fraudulent
use of
naturaliza-
tion
certificates.

"**405B.** Every one is guilty of an indictable offence and liable to two years' imprisonment or to a fine of five hundred dollars, or both such imprisonment and fine, who

R.S., c. 138.

(a) by any false pretence uses or attempts to use a certificate of naturalization, as defined in the *Naturalization Act*, for any fraudulent purpose;

(b) being the person to whom a certificate of naturalization has been granted, knowingly parts with the possession of that certificate with the intent that it be used for any fraudulent purpose."

21. Paragraph (b) of subsection three of section four hundred and six of the said Act, as enacted by section six of chapter fifty-six of the statutes of 1935, is repealed and the following substituted therefor:—

Adequate
and proper
test.

"(b) Without excluding any other adequate and proper test, a test by The Honorary Advisory Council for Scientific and Industrial Research or any other public department shall be considered an adequate and proper test for the purposes of this subsection, but no reference shall be made in any such advertisement to the fact that a test has been made by such Council or other public department, unless and until the details and form of the proposed advertisement have been approved and permission has been given, in writing, by the Council or department which made the test."

22. Section four hundred and twenty-four of the said Act is repealed and the following substituted therefor:—

"424. (1) Every one is guilty of an indictable offence and liable to five years' imprisonment, who,

- (a) being the holder of any lease or licence issued under the provisions of any Act relating to the mining of gold, silver, platinum or other precious metals, or by any persons owning land supposed to contain any gold, silver, platinum or other precious metals by fraudulent device or contrivance defrauds or attempts to defraud His Majesty, or any person, of any gold, silver, platinum or other precious metals, or money payable or reserved by such lease, or, with such intent as aforesaid conceals or makes a false statement as to the amount of gold, silver, platinum or other precious metals procured by him; or
- (b) sells or purchases any rock, ore, mineral, stone, quartz or other substance containing gold, silver, platinum or other precious metals or any unsmelted or untreated or unmanufactured or partly smelted, partly treated or partly manufactured gold, silver, platinum or other precious metals, unless such purchaser or seller is one to which this section does not apply by virtue of the provisions of subsection three of this section; or
- (c) having in his possession or upon his premises with his knowledge any rock, ore, mineral, stone or quartz of a value of not less than twenty-five cents per pound, or in the case of mica of a value of not less than seven cents per pound, or any gold, silver, platinum or other precious metals, bullion or any partly smelted or partly treated or partly manufactured gold, silver, platinum or other precious metals, which there is reasonable ground to suspect has been stolen or has been dealt with contrary to the provisions of this section, is unable or refuses to account satisfactorily for or prove his lawful right to the possession of the same.
- (2) Paragraph (b) of subsection one of this section shall not extend or apply to the Yukon Territory.
- (3) Paragraph (b) of subsection one of this section shall not apply to the owner or agent of the owner of mining claims then being worked or a person duly thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force in the province in which the offence is alleged to have been committed or a purchaser or seller from or to them, or to any other purchaser who at the time of such purchase executes in triplicate an instrument in writing stating the place and time of purchase and the quantity, quality and value of gold or silver so purchased and the name or names of the person or persons from whom the same was purchased and within ten days from the date of the said purchase files two copies

Holder of lease of gold or silver mine defrauding owner.

Unlawful sale or purchase of rock, ore, quartz containing gold or silver or unsmelted gold or silver.

Unlawful possession of rock, ore, or quartz containing gold or silver.

Yukon Territory.

When sale not unlawful.

Burden of
proof.

copies of the said instrument with the clerk of the county or district court of the county or district in which the purchase was made or with the officer with whom in the said county or district bills of sale or mortgages of personal property are filed or deposited. In any prosecution for a violation of the said paragraph (b) the burden of proof that the accused person is a person to whom the said paragraph (b) does not apply by reason of this subsection shall be upon the accused.

Determin-
ation of
value.

(4) If in any proceeding under paragraph (c) of subsection one of this section any question arises as to the value of any rock, ore, mineral, stone or quartz, the judge, magistrate, justice or other officer before whom the proceeding is pending may order such assay or assays, test or tests, to be made as may be deemed requisite for determining such value.

Limitation of
proceedings.

(5) No action or prosecution for a violation of paragraph (c) of subsection one of this section shall be commenced or undertaken in any part of Canada unless or until an order has been passed by the Governor in Council declaring this section to be in force in such part of Canada. Any such order may be amended, revoked or renewed from time to time in whole or in part by any subsequent Order in Council.

Seizure and
forfeiture.

(6) Upon the conviction of any person for a violation of any of the provisions of this section the court or justice may order all such rock, ore, mineral, stone, quartz, gold, silver, platinum or other precious metals, the subject matter of the prosecution, to be seized and forfeited to His Majesty the King in right of the province in which such prosecution takes place."

23. The said Act is further amended by inserting immediately after section four hundred and twenty-four the following section as four hundred and twenty-four A:—

"**424A.** (1) Every one is guilty of an indictable offence and liable to two years' imprisonment who

Salting
mines.

(a) adds any ore, mineral or other substance to or removes any ore, mineral or other substance from any mine or mining claim or prospective mine or mining claim with the fraudulent intent to affect the result of any assay, test or valuation made or to be made respecting such mine or claim or prospective mine or claim;

Salting
samples.

(b) adds any ore, mineral or other substance to or removes any ore, mineral or other substance from or tampers with, any sample or material taken or being or about to be taken from any mine or mining claim or prospective mine or mining claim for the purpose of being assayed, tested or otherwise valued, with the fraudulent intent to affect the result of such assay, test or valuation.

(2) Proof of any such adding, removing or tampering shall be *prima facie* evidence of the fraudulent intent to affect the result of any such assay, test or valuation.” Prima facie evidence.

24. Section four hundred and fifty-seven of the said Act is amended by adding, immediately after subsection two thereof, as subsection three, the following:—

“(3) The breaking and entering of a dwelling-house by night, or the breaking out of a dwelling-house by night after having entered such dwelling-house, either by day or by night, shall be *prima facie* evidence of an intent to commit an indictable offence therein.” Burden of proof.

25. Section four hundred and fifty-nine of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

“(2) The breaking and entering by day of a dwelling-house shall be *prima facie* evidence of an intent to commit an indictable offence therein.” Burden of proof.

26. Section four hundred and sixty-two of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

“(2) The unlawful entering or being in any dwelling-house by night shall be *prima facie* evidence of an intent to commit an indictable offence therein.” Burden of proof.

27. Paragraph (b) of subsection one of section four hundred and ninety of the said Act is repealed and the following substituted therefor:

“(b) being a manufacturer, dealer or trader, or bottler, trades or traffics in any bottle or siphon which has upon it the trade mark duly registered or name of another person, without the written consent of such other person, or without such consent fills such bottle or siphon with any beverage, milk, by-products of milk or other liquid commodities, for the purpose of sale or traffic.” Using trade marks of others by trafficking in bottles.

28. Subsection two of section four hundred and ninety of the said Act is repealed and the following substituted therefor:—

“(2) The using by any manufacturer, dealer or trader or bottler, other than such other person, of any bottle or siphon for the sale therein of any beverage, milk, by-products of milk or other liquid commodities, or the having by any such manufacturer, dealer, trader or bottler upon any bottle or siphon such trade mark or name of such other person, or the buying, selling or trafficking in any such bottle or siphon without such written consent of such other person, or the fact that any junk dealer has in his possession” Using bottles.

Prima facie evidence.

possession any bottle or siphon having upon it such trade mark or name without such written consent, shall be *prima facie* evidence of trading or trafficking within the meaning of paragraph (b) of this section."

29. Section five hundred and eleven of the said Act is repealed and the following substituted therefor:—

Offence
Penalty.

"**511.** (1) Every one is guilty of the indictable offence of arson and liable to imprisonment for a term not exceeding fifteen years who wilfully sets fire to any building or structure, whether such building or structure is completed or not, or to any stack of vegetable produce or of mineral or vegetable fuel, or to any mine or well of oil or other combustible substance, or to any ship or vessel, whether completed or not, or to any timber or materials placed in any shipyard for building or repairing or fitting out any ship or to any of His Majesty's stores or munitions of war.

Fraudulently
burning any
chattel over
\$25.00 in
value.

(2) Every one is guilty of an indictable offence and liable to five years' imprisonment who, wilfully and for any fraudulent purpose, sets fire to any chattel having a greater value than twenty-five dollars."

Attempt
to commit
arson.

30. Section five hundred and twelve of the said Act is repealed and the following substituted therefor:—

"**512.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom."

31. Section five hundred and thirteen of the said Act is repealed and the following substituted therefor:—

Penalty.

"**513.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully sets fire to

Crop.

(a) any crop, whether standing or cut down, or any wood, forest, coppice or plantation, or any heath, gorse, furze or fern; or

Trees, etc.,
dam or
slide.

(b) any tree, lumber, timber, logs, or floats, boom, dam or slide, and thereby injures or destroys the same."

32. Section five hundred and fourteen of the said Act is repealed and the following substituted therefor:—

Attempt.

"**514.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom."

33. Section five hundred and sixteen of the said Act is repealed and the following substituted therefor:—

“516. Every one is guilty of an indictable offence and liable to three years’ imprisonment who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any building, or any rick or stack of grain, hay or straw or other agricultueal produce, or any grain, hay or straw or other agricultural produce in or under any building, or any ship or vessel.”

Threats
to burn.

34. Subsection two of section five hundred and forty-one of the said Act is repealed and the following substituted therefor:—

“(2) Where the offence consists in an injury to anything in which the offender has an interest, the existence of such interest, if partial, shall not prevent his act being an offence, and if total, shall not prevent his act being an offence if done with intent to defraud: Provided however, that in any prosecution for any offence under sections five hundred and eleven, five hundred and twelve, five hundred and thirteen, five hundred and fourteen or five hundred and sixteen, where the accused is the holder of or is named as a beneficiary under a fire insurance policy in respect to the property in connection with which the offence is alleged, such facts shall be *prima facie* evidence of intent to defraud.”

Partial
interest.

Fraud.

Onus on
insured.

35. Paragraph (a) of section five hundred and forty-two of the said Act, as enacted by section eleven of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

“(a) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, over-drives, tortures or abandons in distress any cattle, poultry, dog, domestic animal or bird, or wild animal or bird in captivity, or, being the owner, permits any such animal to be so used, or, who by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or, being the owner, permits any unnecessary suffering to be so caused to any such animal;”

Ill-treating
animals.

36. Section five hundred and fifty-nine of the said Act is repealed and the following substituted therefor:—

“559. Every one is guilty of an indictable offence and liable to one year’s imprisonment who defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened.”

Defacing
current
coin.

37. Section six hundred and ninety-eight of the said Act is amended by adding, immediately after subsection two thereof, as subsection three, the following:—

Recognizance
to be
binding for
speedy
trial.

“(3) The recognizance entered into by the accused shall, notwithstanding any election made under Part XVIII, continue to bind the accused and his sureties for his appearance at the appropriate court for his trial and for his then surrendering and taking his trial and not departing the court without leave, in like manner as if the recognizance had been originally entered into with respect to such appearance, and it shall not be necessary, unless otherwise ordered by the judge under the said Part, for the accused or his sureties to enter into a new recognizance upon such an election: Provided that at the time of entering into the recognizance the justices specifically advise the sureties that they will continue to be bound under the recognizance notwithstanding such an election in like manner as if same had been entered into with reference to such appearance and that they will not be entitled to receive from the Crown further notice of such an election or trial.”

Justices to
notify
sureties.

38. Section seven hundred and eight of the said Act, as amended by section twenty-two of chapter eleven of the statutes of 1930, is amended by adding, immediately after subsection four thereof, as subsection five, the following:—

Magistrate
may act.

“(5) If it is required by an Act or law that an information or complaint shall be heard and determined by two or more justices, or that a conviction or order shall be made by two or more justices, such information or complaint may be heard and determined and such conviction or order may be made by a police magistrate, stipendiary magistrate or any person having the power or authority of two or more justices of the peace.”

38A. Paragraph (a) of section seven hundred and fifty of the said Act is repealed and the following substituted therefor:—

Procedure
on appeals.

“(a) if a conviction or order is made fourteen or more days before a sittings of the court to which an appeal is given, such appeal shall be made to that sittings; but if the conviction or order is made less than fourteen days before a sittings, the appeal shall be made to the second sittings next after such conviction or order: Provided that in the province of Nova Scotia the appeal shall be to a sittings of the court in the county where the cause of the information or complaint arose; in the one case to the sittings next after and in the other to the second sittings after the conviction or order;”

Nova Scotia.

39. Subsection one of section seven hundred and seventy-four of the said Act, as enacted by section fifteen

of chapter forty-seven of the statutes of 1934, and as amended by section seventeen of chapter twenty-nine of the statutes of 1936, is repealed and the following substituted therefor:—

“774. (1) When any person is charged,

- (a) in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province;
- (b) in the provinces of Alberta, British Columbia, Manitoba and Saskatchewan before a police magistrate;
- (c) in any city or incorporated town, having a population of not less than 2,500, according to the last decennial or other census taken under the authority of an Act of Parliament of Canada, before any police or stipendiary magistrate, or before any recorder of any such city or town, if he exercises judicial functions;
- (d) in the Yukon Territory before any judge of the Territorial Court or a police magistrate;
- (e) in the province of Quebec before any district magistrate or judge of the sessions; or
- (f) in the province of Prince Edward Island before a stipendiary magistrate for the province or for any county or counties in the said province;

Summary trial in certain cases.

with having committed any offence (except culpable homicide or any of the offences mentioned in section five hundred and eighty-three) or has been admitted to bail or committed to a gaol in any county, district or provisional county under the warrant of any justice, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such recorder, judge or magistrate, as the case may be, and may, if found guilty, be sentenced to the punishment for such offence.”

40. Paragraph (c) of subsection one of section seven hundred and seventy-seven, as enacted by section eleven of chapter fifty-three of the statutes of 1932-33, is repealed and the following substituted therefor:—

“(c) In the provinces of Ontario, British Columbia, Prince Edward Island, Manitoba, Saskatchewan, Alberta and in the Northwest Territories and the Yukon Territory and the cities of St. John, Fredericton and Moncton in the province of New Brunswick where any person is charged with an offence mentioned in any of the paragraphs of section seven hundred and seventy-three except paragraph (h).”

Absolute jurisdiction in certain cases.

41. Subsection two of section seven hundred and seventy-seven of the said Act, as enacted by section eleven of chapter fifty-six of the statutes of 1935, is repealed and the following substituted therefor:—

Cities of
not less
than 25,000
people.

"(2) In the provinces of Quebec and Nova Scotia the jurisdiction of a magistrate who is one of those mentioned in section seven hundred and seventy-four is absolute and does not depend on the consent of the person charged to be tried by such magistrate in cities having a population of not less than 25,000 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada where the offence is one of those mentioned in paragraph (a) of section seven hundred and seventy-three."

Otherwise
magistrate
may proceed
as upon a
preliminary
investi-
gation.

42. Subsection three of section seven hundred and eighty-two of the said Act, as enacted by section eighteen of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

"(3) If the defendant does not so appear, or, so appearing does not, where consent is required as aforesaid, by its attorney elect to be tried summarily, the magistrate may proceed in the absence of the defendant, or upon its not so electing to be tried as aforesaid, as upon a preliminary investigation."

Bail if trial
by judge.

43. Subsections one and three of section eight hundred and thirty-six of the said Act are repealed and the following substituted therefor:—

"**836.** (1) If the prisoner elects to be tried by a judge without the intervention of a jury the judge, unless the accused has been otherwise admitted to bail, may, in his discretion, admit him to bail to appear for his trial, and extend the bail from time to time, in case the court be adjourned or there is any other reason therefor."

Warrant for
arrest of
prisoner
out on bail.

"(3) Whenever a prisoner who has been admitted to bail pursuant to this section or to section six hundred and ninety-eight and has elected for trial under this Part does not appear at the time mentioned in the recognizance or to which the court is adjourned, the judge may issue a warrant for his apprehension which may be executed in any part of Canada."

Bail if trial
by jury.

44. Section eight hundred and thirty-seven of the said Act is repealed and the following substituted therefor:—

"**837.** If a prisoner who is in custody elects to be tried by a jury the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk of the court."

45. Subsection three of section nine hundred and fifty-one of the said Act, as enacted by section twenty-five

of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

“(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury, if they are satisfied that the accused is not guilty of manslaughter but is guilty of an offence under subsection six of section two hundred and eighty-five may find him guilty of that offence, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts.”

Man-
slaughter
or reckless
driving.

46. Subsection four of section nine hundred and eighty-six of the said Act, as enacted by section twenty-seven of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

“(4) In any prosecution under section two hundred and twenty-nine any automatic or slot machine used or intended to be used for any purpose other than for vending merchandise or services shall, and any such machine used or intended to be used for vending merchandise shall, if the result of one of any number of operations of it is, as regards the operator, a matter of chance or uncertainty or if as a consequence of any given number of successive operations it yields different results to the operator or if on any operation it discharges or emits any slug or token, other than merchandise, be deemed to be a means or contrivance for playing a game of chance notwithstanding that the result of some one or more or all of such operations may be known to the operator in advance and if any house, room or place is found fitted or provided with any such machine there shall be an irrebuttable presumption that such house, room or place is a common gaming house.”

Certain
automatic
machines to
be deemed
means or
contrivance
for playing
game of
chance.

47. Section nine hundred and ninety of the said Act is repealed and the following substituted therefor:—

“**990.** (1) In any prosecution, proceeding or trial for any offence under section three-hundred and ninety-four, if any timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle is marked with a timber mark or a boom chain brand duly registered under the provisions of the Forest Act or the Boom Chain Brands Act of the statutes of British Columbia, every such mark shall be *prima facie* evidence that such timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle is the property of the registered owner of such timber mark or boom chain brand.

Evidence of
property in
timber, etc.

(2) Possession by the accused, or by others in his employ or on his behalf, of any such timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle so marked shall, in all cases, throw upon him the burden of proving that such timber, mast, spar,

Possession of
timber, etc.,
with mark
prima facie
evidence of
theft.

saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle came lawfully into his possession, or into the possession of such others in his employ or on his behalf."

48. Subsection two of section one thousand and thirteen of the said Act is repealed, and the following substituted therefor:—

Right of
appeal
against
sentence.

"(2) A person convicted on indictment, or the Attorney General, or the counsel for the Crown in the trial, may with leave of the court of appeal or a judge thereof, appeal to that court against the sentence passed by the trial court, unless that sentence is one fixed by law."

49. The said Act is further amended by inserting immediately after section one thousand and twenty-five the following section as one thousand and twenty-five A:—

Accused to
remain in
custody or
on bail
where
Attorney
General
appeals.

"**1025A.** Except as provided by subsection four of section one thousand and thirteen, in any case where the Attorney General has a right of appeal from a judgment of acquittal or setting aside of a conviction under this Part the person so acquitted or whose conviction is set aside shall, unless the Attorney General shall within the time limited for appeal notify, in writing, the proper officer having custody of such person that he does not intend to appeal, remain in custody until the expiration of the time limited for such appeal or such extended time as may be allowed under the provisions of this Part and if an appeal is taken such person shall remain in custody until the determination of such appeal: Provided that a judge of the court to which the appeal is taken may, if it seems fit, on application of such person admit him to bail pending the determination of such appeal and the time during which such person is so admitted to bail shall not count as part of any term of imprisonment under his sentence."

50. Section one thousand and thirty-five of the said Act is amended by adding, immediately after subsection three thereof, as subsection four, the following:—

Terms of
imprison-
ment may
be con-
secutive.

"(4) When an offender is convicted of more offences than one before the same court or person at the same sittings and more than one fine is imposed with the provision that in default of payment of the same the offender shall be imprisoned for a definite term, the court or person may direct that such terms of imprisonment shall take effect one after the other."

51. Section one thousand and forty-three of the said Act is repealed and the following substituted therefor:—

Application
of fines in
relation to
cruelty to
animals.

"**1043.** One moiety of every pecuniary penalty recovered with respect to any offence under sections five hundred and thirty-seven, five hundred and forty-two or
five

five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish, or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seems proper.”

52. Subsection three of section one thousand and sixty of the said Act is repealed and the following substituted therefor:—

“(3) Every whipping shall take place, under the supervision as aforesaid, at such time as may be determined by the officer in charge of the prison: Provided that whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.”

When whipping to take place.

53. Section eleven hundred and four of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

“(2) If such court is not a superior court having criminal jurisdiction one of such rolls shall remain deposited in the office of the clerk of such court.”

Filing of rolls in other courts.

54. Section eleven hundred and five of the said Act is repealed and the following substituted therefor:—

“**1105.** The other of such rolls aforesaid shall, as soon as the same is prepared, be sent by the clerk of the court making the same, or in case of his death or absence, by such judge as aforesaid, with a writ of *feri facias* and *capias*, according to Form 74, to the sheriff of the county in which such court was holden.”

Writ of fieri facias and capias issued.

55. The said Act is further amended by adding at the end of Part XXV the following as Forms 76E and 76F:—

“FORM 76E.

Permit to purchase pistol, revolver or other offensive weapon.

Permission is hereby given to.....
(insert name of holder of permit) of.....
to purchase..... (insert character of weapon).

Reasons for granting permit.

(here are to be inserted the reasons for issuing permit).
 (Name and office of person issuing permit)."

"FORM 76F.

Permit for firearm or air-gun for minor.

Permission is hereby given to.....
 (insert name of holder of permit) of.....
 to have in his possession (insert character of weapon) for
 (insert calendar year of issue of permit).

Reasons for granting permit.

(here are to be inserted the reasons for issuing permit).
 (Name and office of person issuing permit)."

Coming into
force.

56. This Act with the exception of sections fifteen, sixteen and forty-five, shall come into force on the first day of September, 1938, and sections fifteen, sixteen and forty-five shall come into force on the passing of this Act.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 45.

An Act to amend the Dairy Industry Act.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons, of Canada enacts as follows:—

R.S., c. 45;
1928, c. 19;
1931, c. 31;
1934, c. 12;
1936, c. 32;
1937, c. 8

1. Section twenty-four of the *Dairy Industry Act*, chapter forty-five of the Revised Statutes of Canada, 1927, as enacted by section six of chapter twelve of the statutes of 1934, is repealed and the following substituted therefor:—

“24. The Governor in Council may, by regulation, provide for an appeal to the Dairy Products Division, Marketing Service of the Department of Agriculture, from a decision of a dairy produce grader as to the classification or grading of any particular lot of dairy produce.”

Appeal from
decision of
grader.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 46.

An Act respecting the Franchise of Electors and the Election of Members of the House of Commons.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 53;
1929, c. 40;
1930, c. 16;
1934, c. 50;
1935, c. 57;
1936, c. 35.

SHORT TITLE.

1. This Act may be cited as *The Dominion Elections Act, 1938.* Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the expression Definitions.

(1) "advance poll" means a poll held as by sections ninety-four to ninety-seven, inclusive, of this Act provided; "advance poll."

(2) "by-election" means an election other than a general election; "by-election."

(3) "candidate" or "candidate at an election" means and includes any person who is officially nominated as a candidate at an election, or who, after the day of the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, is declared by himself or by others with his consent to be a candidate; "candidate" or "candidate at an election."

(4) "commercial traveller" means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to, or taking orders for goods from, jobbers and retailers; "commercial traveller."

(5) "Dominion election" or "election" means an election of a member or members to serve in the House of Commons of Canada; "Dominion election" or "election."

(6) "during an election" or "at an election" or "throughout an election" includes the period after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which "during an election" or "at an election" or

"through-
out an
election."

"election
documents"
or "election
papers."

a writ for an election is eventually issued, until the elected candidate is returned as elected;

(7) "election documents" or "election papers" mean the papers directed in this Act to be transmitted to the Chief Electoral Officer, after an election, by the returning officer, namely: the writ with the return of the election endorsed thereon; the nomination papers filed by the candidates; the reserve supply of undistributed blank ballot papers; the enumerators' record books used in urban polling divisions; the index books prepared by enumerators in rural polling divisions; the revising officers' records and other papers relating to the revision of the lists of electors in urban polling divisions; the statements of the polls from which the final addition of the votes was made; and the other returns from the various polling stations enclosed in sealed envelopes, as prescribed in section fifty of this Act, and containing (a) the poll book used at the poll, (b) a packet of stubs and unused ballot papers, (c) packets of ballot papers cast for the various candidates, (d) packet of spoiled ballot papers, (e) packet of rejected ballot papers, and (f) packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates, if any;

"election
officer."

(8) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;

"election
petition,"
R.S. c. 50.
"elector."

(9) "election petition" means a petition presented in pursuance of the *Dominion Controverted Elections Act*;

(10) "elector" means any person qualified to vote at a Dominion election, whether his name is or is not on any list of electors;

"electoral
district."

(11) "electoral district" means any place or territorial area entitled to return a member or members to serve in the House of Commons of Canada;

"finally
revised list."

(12) "finally revised list" means the list of electors for an urban polling division which has been revised and corrected by the revising officer pursuant to the provisions of Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and which has been re-printed pursuant to subsection ten of the said section seventeen; such finally revised list to constitute the official list of electors to be used for the taking of the vote on polling day;

"form."

(13) "form" means a form as in Schedule One to this Act, or any other form relating to the administration of an election under this Act, prescribed by the Chief Electoral Officer;

"hours of
the day."

(14) "hours of the day" and all other references to time appearing in this Act relate to standard time;

(15) "judge" or "the judge" when used to define the judicial officer upon whom is conferred specific powers means, "judge" or
"the judge."

(a) in relation to any place or territory within the judicial districts of Quebec or Montreal in the province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge;

(b) in relation to any place or territory within the judicial districts of St. Francis and Three Rivers, in the Province of Quebec, the resident judge of the Superior Court;

(c) in relation to any other place or territory in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such place or territory lies, and if there is more than one judge exercising such jurisdiction, the senior of them;

(d) in relation to the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and

(e) in relation to any other place or territory in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the judicial district, as the case may be, within which such place or territory lies, and if there is more than one such judge the senior of them;

(16) "judicial district" means a territory, county or district in respect of which a judge has been appointed to exercise judicial functions; "judicial
district."

(17) "list of electors" means either the preliminary list of electors, the finally revised list of electors or the official list of electors as herein defined, and as the context requires; "list of
electors."

(18) "member" means a member of the House of Commons of Canada; "member."

(19) "nomination day" or "the day of nominations" means the day upon which nominations close as in this Act provided; "nomination
day" or
"the day of
nominations."

(20) "official agent" means the agent appointed by a candidate and specially charged with the paying of all legal expenses on account of the management or conduct of the election, whose name and address have been declared in "official
agent."

writing to the returning officer on or before nomination day or as by this Act required;

"oath."

(21) "oath" includes affirmation and statutory declaration;

"official list of electors."

(22). "official list of electors" means

(a) in an urban polling division, the list of electors revised and corrected by the revising officer pursuant to Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and re-printed by the returning officer pursuant to subsection ten of said section seventeen, or the appropriate portion of the finally revised list of electors which has been divided by the returning officer for the taking of the vote, and

(b) in a rural polling division, any copy of the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors prepared by the enumerator pursuant to Rules (1) to (11), inclusive, of Schedule B to section seventeen of this Act, taken together with a copy of the statement of changes and additions in Form No. 23, certified by the enumerator pursuant to Rule (19) of the said Schedule B to section seventeen of this Act, or the appropriate portion of the preliminary list of electors which has been divided by the returning officer for the taking of the vote taken together with the special statement of changes and additions, certified by the returning officer pursuant to subsection seven of section thirty-three of this Act;

"official nomination," or "officially nominated."

(23) "official nomination" or "officially nominated" means the filing of a nomination paper and deposit by a candidate with the returning officer at any time between the date of the Proclamation and the hour fixed for the close of nominations on nomination day.

"person."

(24) "person" includes elector, voter and candidate;

"personal expenses."

(25) "personal expenses" as used herein with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election, and all other expenses which, except as restrained by this Act, he may in person lawfully incur and pay;

"poll book."

(26) "poll book" means the book in Form No. 36 in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

"polling day," or "day of polling."

(27) "polling day" or "day of polling" means the day fixed as provided by section twenty-one of this Act for holding the poll at an election:

(28) "polling division" means any division, subdivision, district, subdistrict or other territorial area fixed by the returning officer, for which a list of electors shall be prepared and for which one or more polling stations shall be established for the taking of the vote on polling day;

(29) "polling station" means suitable premises secured by the returning officer for the taking of the vote of the electors on polling day and to which the whole or a portion of the official list of electors for a polling division is allotted;

(30) "preliminary lists of electors" mean the lists of electors prepared by enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act and Rules (1) to (11), inclusive, of Schedule B to the said section seventeen;

(31) "province" means any province in the Dominion of Canada and includes the Yukon Territory;

(32) "recount" means and includes either or both:—(a) adding again the votes given for each candidate as recorded in the statements of the polls returned by the several deputy returning officers; (b) examining and counting the used and counted, the unused, the rejected and the spoiled ballot papers as prescribed in subsection seven of section fifty-four of this Act;

(33) "rejected ballot paper" means a ballot paper which has been handed by the deputy returning officer to an elector to cast his vote, but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted;

(34) "revising officer" includes *ex officio* revising officer and substitute revising officer;

(35) "rural polling division" means a polling division whereof no part is contained either within an incorporated city or town having a population of three thousand five hundred or more persons, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;

(36) "spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed, or which has been handed by the deputy returning officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the deputy returning officer and exchanged for another.

(37) "stereotype block" means the printer's block supplied by the Chief Electoral Officer to the returning officer, and of which an impression is printed on the back of each ballot paper by the printer thereof;

"urban
polling
division."

(38) "urban polling division" means a polling division which is wholly contained within an incorporated city or town having a population of three thousand five hundred or more persons, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;

"voter."

(39) "voter" means any person who votes at an election.

"writ."

(40) "writ" means the writ for an election.

The Chief Electoral Officer and his Staff.

Chief
Electoral
Officer.

3. The Chief Electoral Officer shall exercise and perform all the powers and duties specified in this Act as exercisable and performable by him, and the person who is now Chief Electoral Officer shall continue to hold that office under and pursuant to this Act.

Tenure of
office, salary,
rank and
powers
of Chief
Electoral
Officer.

4. (1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same condition as, a Judge of the Supreme Court of Canada. He shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of eight thousand dollars per annum.

Vacancy in
office of
Chief
Electoral
Officer.

(2) In the event of a vacancy in the office of Chief Electoral Officer it shall be filled by resolution of the House of Commons.

Appointment
of substitute.

(3) In the event of the death of the Chief Electoral Officer while Parliament is not sitting, or of his inability or neglect to perform the duties of his office, a substitute shall, upon the application of the Secretary of State, be appointed by the Chief Justice of Canada, or in his absence by the senior judge of the Supreme Court of Canada then present in Ottawa.

Tenure of
office of
substitute.

(4) Upon his appointment such substitute shall exercise the powers and perform the duties of the Chief Electoral Officer in his place and stead until fifteen days after the commencement of the next following session of Parliament unless the Chief Justice of Canada, or the judge by whom the order appointing him was made, sooner directs that such order be rescinded.

Absence of
Chief
Justice.

(5) In the absence of both the Chief Justice of Canada and of the judge of the Supreme Court of Canada by whom a substitute for the Chief Electoral Officer has been appointed the order appointing such substitute may be rescinded by any other judge of the said court.

Remunera-
tion of
substitute.

(6) The remuneration of a substitute Chief Electoral Officer may be fixed by the Governor in Council.

(7) The Chief Electoral Officer shall be paid his reasonable travelling and living expenses while absent from Ottawa on the business of his office. Travelling and living expenses.

(8) Any sums payable to the Chief Electoral Officer shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Payment.

5. The Chief Electoral Officer shall—

- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act; Special powers and duties of Chief Electoral Officer.
- (b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Act; and
- (c) execute and perform all other powers and duties which in this Act are imposed upon him.

6. (1) Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, two stenographers and three clerks, all of whom shall be appointed by the Governor in Council and be eligible as contributors under the *Civil Service Superannuation Act*, with all the benefits therein prescribed, there shall be no permanent officers or employees in the office of the Chief Electoral Officer, appointed or paid to perform any duties in connection with elections. Permanent staff.

R.S. c. 24.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary help as he may require for the proper performance of the duties of his office, first however, submitting to the Auditor General the name and proposed salary payable to the temporary appointee and obtaining a certificate that such salary is reasonable and that funds are lawfully available for the payment thereof. All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged. Temporary assistance.

Discharge.

(3) In the classification of the Civil Service of Canada, the Assistant Chief Electoral Officer shall rank as a chief clerk and the rank of the other permanent employees shall be determined by the Governor in Council upon the recommendation of the Chief Electoral Officer. Rank of Assistant and permanent staff.

Writs of Election.

7. (1) Elections shall be instituted, as heretofore, by writs of election, which shall be in Form No. 1. Writs of election.

(2) Writs of election shall be dated and, at a general election, shall be made returnable on such days as the Governor in Council shall determine. They shall be issued by the Chief Electoral Officer and directed to the persons appointed to be returning officers for the various electoral Writs dated and made returnable.

Transmission to returning officers.

districts and shall be forwarded to them, by registered mail or otherwise, by the Chief Electoral Officer forthwith after their issue.

Returning officers to act under penalty.

(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do shall be liable on summary conviction to a fine of one thousand dollars, or to imprisonment for three months, or to both fine and imprisonment.

Returning Officers and Election Clerks.

Appointment of returning officers.

8. (1) The offices of all returning officers appointed prior to the passing of this Act shall be deemed to be vacant and the Governor in Council may appoint to such offices either the same persons as now hold them, any of such persons or any other persons. He may also thereafter appoint from time to time, a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant.

Vacation of office.

(2) The office of a returning officer who is hereafter appointed shall not be deemed to be vacant unless he dies, or, with prior permission of the Chief Electoral Officer, resigns, or unless he is removed from office for cause within the meaning of the next following subsection.

Removal from office.

(3) The Governor in Council may remove from office, as for cause, any returning officer who

- (a) has attained the age of sixty-five years; or
- (b) ceases to reside in his electoral district; or
- (c) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under this Act; or
- (d) has failed to discharge competently his duties, or any thereof, under this Act; or
- (e) has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of performance of his duties under this Act.

List to be gazetted.

(4) The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district for which he is appointed shall be communicated to the Chief Electoral Officer and he shall publish in the *Canada Gazette*, between the first and twentieth days of January in each year, a list of the names, addresses and occupations of the returning officers for every electoral district in Canada.

9. (1) The returning officer shall, forthwith upon his appointment, nominate in writing an election clerk, who shall be a person qualified as an elector in the electoral district, and he and the election clerk shall each make oath faithfully to perform his duties without partiality, fear, favour or affection; and such appointment and oaths may be in Forms Nos. 2 and 3, respectively.

Election clerk.

(2) If the election clerk dies, becomes disqualified or incapable of acting or refuses to act, or is removed from office for any other reason, the returning officer shall at once appoint a substitute, who upon his appointment shall make oath as aforesaid.

Appointment of substitute.

(3) The oath of the returning officer and the appointment and oath of every election clerk shall be transmitted by the returning officer to the Chief Electoral Officer forthwith after their completion.

Transmission of oaths.

(4) Subject as aforesaid, every election clerk shall hold office during the pleasure of the returning officer by whom he has been appointed and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

Tenure of office of election clerk.

(5) It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise, and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer. The Chief Electoral Officer shall communicate all such notifications to the Secretary of State of Canada.

Notice if returning officer incapacitated.

(6) If the returning officer dies or becomes unable to act the election clerk shall, until the appointment of a new returning officer, or until the returning officer again becomes able to act, be responsible for the administration of any pending election as if he himself had been appointed to be returning officer for the electoral district, and subject as aforesaid, a writ of election may, in any case in which the returning officer has died or become unable to act before the issue of such writ and before his successor has been appointed, be addressed to the election clerk.

Election clerk to act.

(7) Every election clerk who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed shall himself, in his turn, appoint an election clerk.

Appointment of new election clerk.

10. (1) Every returning officer shall, forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open, and shall throughout the election maintain, an office in some convenient place in the electoral district where the electors can have recourse to him, and shall give public notice of the location of such

Returning officer to open and maintain an office.

office in the proclamation of the election in Form No. 4, or in such other manner as the Chief Electoral Officer may direct.

Attendance
at office by
returning
officer and
election clerk.

(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's office during the hours that the polls are open. No returning officer or election clerk shall act as deputy returning officer or poll clerk at any polling station.

Polling Divisions.

Revision of
boundaries
of polling
divisions.

11. (1) The polling divisions shall be those established for the last Dominion general election, unless the returning officer considers that a revision of the boundaries thereof is necessary and, in such case, he shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection six of section thirty-one of this Act. In the event of such revision being necessary, it shall be the duty of the returning officer, when instructed by the Chief Electoral Officer, and subject to the foregoing provisions, to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately three hundred and fifty electors.

Polling
divisions
with more
than 350
electors.

(2) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than three hundred and fifty electors and to divide the list of electors for such polling division between adjacent polling stations, as in section thirty-three of this Act provided, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in this section contained, constitute a polling division including as nearly as possible some multiple of three hundred and fifty electors.

Chief
Electoral
Officer to
decide what
polling
divisions are
rural or urban
respectively.

12. (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of three thousand five hundred or more persons. All the polling divisions comprised in every such place shall, for the purposes of this Act, be treated as urban polling divisions.

Exceptions
in certain
cases.

(2) Whenever it has been represented to the Chief Electoral Officer that the population of any other place is of a transient or floating character, he shall, when requested not later than five days after the issue of the

writs, have power to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such place to be or to be treated as urban polling divisions.

(3) All other areas comprised in any electoral district shall, for the purpose of this Act, be treated as rural polling divisions. Rural polling divisions.

Supply of Election Materials by Chief Electoral Officer.

13. (1) Whenever it is deemed expedient or, at the latest immediately after the issue of the writ of election, the Chief Electoral Officer shall transmit to the returning officer:— Supplies for returning officers.

(a) such sufficiently indexed copies of or excerpts from this Act, and such instructions prepared by him, as are required for the proper conduct of the election by the returning officer and to enable him to supply to each election officer a copy of such portions of the Act and such instructions as such officer may have occasion to consult or observe in the performance of his duties; Indexed copies of Act or excerpts therefrom for election officers.

(b) sufficient supplies for enumerators and revising officers including record books, index books and the necessary blank forms; Enumeration and revision supplies.

(c) sufficient election supplies, blank ballot papers, blank poll books and blank forms, including the forms of oaths, for the purposes of the election, except Forms Nos. 4, 12, 27, 32 and 61, which the returning officer shall himself cause to be printed; Blank poll books and other blank election forms.

(d) a statement setting forth what portion, or portions, of the electoral district shall be deemed to be urban and rural polling divisions, respectively. Statement of rural and urban areas.

(2) Before nomination day the Chief Electoral Officer shall cause to be delivered to every returning officer a sufficient number of stereotype or printer's blocks specially made for the purposes of the particular election and so designed that an impression made therefrom on the back of the ballot paper will be readily recognizable and will show the name of the electoral district and the year of the election. Also stereotype blocks.

(3) All letters or mailable matter addressed to the Chief Electoral Officer at Ottawa, or sent by the said Chief Electoral Officer at Ottawa, shall be free of Canadian postage under such regulations as the Postmaster General shall prescribe. Postage free.

Qualifications and Disqualifications of Electors.

14. (1) Save as hereinafter provided every person, man or woman, shall be qualified to vote and be entitled to be registered as an elector on the list of electors for the polling division in which he or she ordinarily resides at the time of the preparation and revision of the list of electors therefor if he or she Qualifications.

Disqualifi-
cations.

- (a) is of the full age of twenty-one years or will attain the full age of twenty-one years on or before polling day at the pending election; and
 - (b) is a British subject by birth or naturalization; and
 - (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and
 - (d) was ordinarily resident in the electoral district at the date of the issue of the writ for the pending election; and at a by-election has continued to be ordinarily resident therein until polling day.
- (2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—
- (a) The Chief Electoral Officer;
 - (b) the Assistant Chief Electoral Officer;
 - (c) the returning officer for each electoral district during his term of office, except when there is an equality of votes on the final addition of votes or on a recount, as in this Act provided;
 - (d) every judge appointed by the Governor in Council;
 - (e) every Esquimau person, whether born in Canada or elsewhere;
 - (f) every Indian person ordinarily resident on an Indian reservation who did not serve in the military, naval or air forces of Canada in the war of 1914-1918; (For the purpose of this provision "Indian" means and includes any person of whole or part Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown.)
 - (g) every person undergoing punishment as an inmate in any penal institution for the commission of any offence;
 - (h) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease;
 - (i) every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides and who did not serve in the military, naval, or air forces of Canada in the war of 1914-1918;
 - (j) in any province, every person exempted or entitled to claim exemption or who on production of any certificate might have become or would now be entitled to claim exemption from military service by reason of the Order in Council of December sixth, 1898, because the doctrines of his religion make him averse to bearing arms, and who is by the law of that province disqualified from voting at an election of a member of the legislative assembly of that province.

(*k*) in any province, every person who is an inmate of an institution which is maintained by any government or municipality for the housing and maintenance of the poor, if such person is by the law of that province disqualified from voting at an election of a member of the legislative assembly of that province, and did not serve in the military, naval or air forces of Canada in the war of 1914-1918.

(*l*) every person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the electoral district in which such person would otherwise be entitled to vote; and

(*m*) every person who is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices.

15. (1) Subject to the exceptions stated in the next following subsection, every person employed by any person for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote shall be disqualified from voting and incompetent to vote in such electoral district at such election.

Persons in receipt of pay disqualified.

(2) A person shall not be disqualified from voting at an election of a member to serve in the House of Commons by reason that he is employed for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote, so long as the employment is legal.

Exceptions.

(3) Persons who may be legally employed are:

(*a*) election clerks, revising officers, deputy returning officers, enumerators, poll clerks, messengers, interpreters, constables and persons otherwise necessarily and properly employed by an election officer for the conduct of the election;

Classes of persons excepted and limitation of number.

(*b*) official agents of candidates;

(*c*) persons engaged in printing election material on behalf of a candidate;

(*d*) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate;

(*e*) the total number of persons employed under the provisions of clause (*d*) of this subsection shall not exceed one for each five hundred electors in the electoral district. The name, address and occupation of every such person so employed shall be communicated, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

Rules as to the Residence of Electors.

Interpretation
of the words
"ordinarily
resident"
and
"ordinarily
resided."

16. The following rules shall apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in any section of this Act in which the said words are or either of them is used with respect to the right of a voter to vote:—

Facts of case.

(1) Subject as provided in the succeeding subsections of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

"Place of
ordinary
residence"
defined.

(2) The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return. Specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps.

One place
of residence
only.

(3) A person can have only one place of ordinary residence and it cannot be lost unless or until another is gained. Although, generally, a person's place of ordinary residence is where his family is, if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

Person on
active
service.

(4) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time of enrolment for such active service, unless he has thereafter established some other ordinary residence in Canada.

Residence
at a general
election.

(5) For the purpose of a general election, every person shall be deemed to continue until polling day to ordinarily reside in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is one of the persons described in the next following subsection and exercises his rights thereunder, in which event he shall not be entitled to vote in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election.

Exceptions.

(6) For the purpose of a general election, any of the following persons who, in the interval between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another, shall if otherwise qualified, be entitled, if he so elects, to be included

in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein provided that,

(a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he has removed; Clergyman.

(b) being a teacher, he is employed under a contract with the appropriate educational authority and is engaged in teaching at a school situate in the electoral district to which he has removed; Teacher.

(c) being a pupil he is, and, for at least seven of the preceding twelve months, has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed. Student.

(7) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ in quarters or premises which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless Summer resident.

(a) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

(b) he has no quarters in any other electoral district to which, at the date of the issue of the writ, he might at will remove.

(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any public work, or as a resident in any camp temporarily established in connection with any public work under government control located in such electoral district. Person temporarily engaged in public work.

(9) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ of election in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in such lodgings, hostel, refuge or similar institution, for at least ten days immediately preceding the date of the issue of such writ. Person residing in lodgings, hostel, refuge, etc.

Preparation of Lists of Electors.

Commence-
ment of
preparation
of lists.

17. (1) The returning officer shall, commencing on Monday, the forty-ninth day before polling day, cause to be prepared in and for his electoral district, and pursuant to the provisions of this Act, preliminary lists of all persons who are qualified as electors in the urban and rural polling divisions comprised therein.

Urban and
rural lists.

(2) In urban polling divisions the lists of electors shall be prepared and revised in accordance with the rules set forth in Schedule A to this section, and in rural polling divisions such lists shall be prepared and revised in accordance with the rules set forth in Schedule B to this section.

List of
names of
enumerators.

(3) Every returning officer shall make and keep a list of the names and addresses of all enumerators appointed by him, and of the polling divisions for which each is to act. Such list shall be made and kept on the special form prescribed by the Chief Electoral Officer. The returning officer shall permit any person to inspect such list at all reasonable times and forthwith upon its completion shall send by mail a copy thereof to the Auditor General at Ottawa. The returning officer shall post up, and keep posted up in his office for the whole period of the preparation of the lists of electors a copy of such list of names and addresses of enumerators.

Receipt and
disposal of
copies of
preliminary
list received
from
enumerators.

(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, pursuant to Rule (15) of Schedule A to this section, and of the preliminary list of electors from every rural enumerator, pursuant to Rule (11) of Schedule B to this section, use one copy of each, respectively, for the printing of the preliminary lists. The second copy of each such list shall be retained by the returning officer and shall be kept available for public inspection at all reasonable hours until the close of the poll on polling day.

Printing of
preliminary
lists for
urban and
rural
polling
divisions.

(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day. The printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer. The preliminary list of electors for every polling division printed by the returning officer shall bear upon its face the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors, as prepared by the enumerator or enumerators, for the polling division to which such list relates.

(a) For urban polling divisions, the names of the electors shall be arranged on the printed list of electors in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the foot of the list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station or polling stations established in the polling division for the taking of the vote on polling day. The type used in the printing of the preliminary lists of electors for urban polling divisions shall be kept available by the printer for use in the re-printing of the finally revised lists prescribed in subsection ten of this section.

Arrangement
of names on
urban lists,
etc.

(b) For rural polling divisions, the names of the electors shall be arranged on the printed lists in alphabetical order, as in the preliminary list prepared by the enumerators in Form No. 21. The lists of electors for rural polling divisions shall not be re-printed after revision.

Arrangement
of names on
rural lists,
etc.

(6) Immediately after the preliminary lists of electors have been printed, the returning officer shall furnish twenty copies thereof for each polling division in the applicable electoral district to each candidate at the pending election who was a member of the House of Commons in the next preceding Parliament, and to every candidate who has been officially nominated at the pending election in such electoral district. The returning officer may also, at his discretion, upon receipt of the sum of ten dollars from any person reasonably expected to be officially nominated as a candidate at the pending election in his electoral district, transmit or deliver to such person five copies of such lists, and if and when such person is officially nominated the said sum of ten dollars shall be forthwith returned to him and, at the same time, he shall be furnished with an additional fifteen copies of such lists. If such person is not officially nominated at the pending election, the said sum of ten dollars shall be forfeited to His Majesty for the public uses of Canada and shall, at the close of the nominations, forthwith be transmitted by the returning officer to the Auditor General, with full particulars of the name and address of the person by whom the said sum was paid and the reason for which it was forfeited.

Copies of
preliminary
printed lists
for
candidates.

(7) In every electoral district comprising the whole or part of a city having a population of twenty-five thousand or more persons, and in every urban area adjoining such city, the returning officer shall, not later than Saturday

Copy of
preliminary
printed list to
electors and
householders
in urban
polling
divisions.

the twenty-third day before polling day, send a printed copy of the preliminary list of electors for the appropriate urban polling division to each elector whose name appears on such list of electors. The Chief Electoral Officer shall have power to decide and he shall so decide upon the best available evidence whether any city has a population of twenty-five thousand or more persons, and whether, for the above mentioned purpose, any urban area adjoins such city. In every other urban area, the returning officer shall send, not later than Saturday the twenty-third day before polling day, a printed copy of the preliminary list of electors for the appropriate urban polling division to every householder whose name appears on such list and who resides in a dwelling or apartment block situated therein, and to each individual elector whose name appears on such list and who resides in a hotel, rooming-house, hospital, college or other similar institution situated within such polling division. In both cases, such lists shall be enclosed in a sealed envelope which shall be entitled to pass through the mails free of postage. This provision shall apply only to urban polling divisions.

Copies of rural preliminary lists for Chief Electoral Officer.

(8) The returning officer shall, forthwith after the lists have been printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies of the preliminary list of electors for every rural polling division comprised in his electoral district. For urban polling divisions, the returning officer shall furnish the Chief Electoral Officer with only re-printed copies of the finally revised list, as prescribed in subsection eleven of this section.

Receipt and disposal of copies of statement of changes and additions.

(9) The returning officer shall, upon receipt of the six certified copies of the statement of changes and additions in Form No. 17 from the revising officer for each urban polling division in the revising officer's revisal district, pursuant to Rule (42) of Schedule A to this section, and of the five certified copies of the statement of changes and additions in Form No. 23 from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, immediately transmit or deliver one copy of each, respectively, to each candidate officially nominated at the pending election, and shall keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours until the close of the poll on polling day. In rural polling divisions only, he shall also deliver one copy, together with the preliminary list of electors, to the appropriate deputy returning officer, enclosing the same in the ballot box for use on polling day.

Re-printing of urban lists.

(10) As soon as possible after the duties of the revising officer have been completed, the returning officer shall cause the finally revised lists for urban polling divisions to be

re-printed. Such re-prints shall contain all changes and additions made by the revising officer to the preliminary list of electors for such polling division during his sittings, and such finally revised list certified by both the revising officer and the returning officer, as re-printed, shall constitute the official list of electors to be used for the taking of the vote on polling day.

(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies thereof for every urban polling division comprised in his electoral district.

Copies of re-printed urban lists to Chief Electoral Officer.

(12) Immediately after the finally revised urban lists of electors have been re-printed, the returning officer shall furnish twenty copies thereof for every polling division in his electoral district to every candidate officially nominated therein or to his representative.

Copies to candidates.

(13) In rural polling divisions, the preliminary lists of electors and the statements of changes and additions, certified by the enumerator, shall together constitute the official list of electors, to be used for the taking of the vote on polling day.

Official lists in rural polls.

(14) If, after the lists have been re-printed, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the finally revised list of electors for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copies contained in the enumerators' record book in his possession that such an omission has really been made, issue to such elector a certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the finally revised list. The returning officer shall, at the same time, send a duplicate of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated, or their representatives, and the official list of electors shall, for all purposes, be taken to have been amended in accordance with such certificate. No such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer.

Issue of certificate in case of omission in list.

(15) Every returning officer, or other person who, before, during or after an election, directly or indirectly, or by any other means or device or attempted evasion of the following provision

Penalty for illegal arrangements with regard to election printing.

(a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind

for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or

(b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act

is guilty of an indictable offence against this Act and liable on indictment or on summary conviction to a fine not exceeding one thousand dollars and costs of prosecution, and, if the fine and costs imposed are not paid forthwith, to imprisonment, with or without hard labour, for such term as such fine and costs or either remain unpaid, not exceeding six months.

Urban lists
alphabet-
ically
arranged in
some cases.

(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of three thousand five hundred or more persons, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.

Penalty for
personation.

(17) Every person who applies under this Act to be included in any list of electors in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having once to his knowledge been properly included in any list of electors under this Act as an elector entitled to vote at a pending election, applies to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election, shall be guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.

Liability of
enumerators.

(18) In addition to any other penalty to which he may be liable under this Act, any enumerator who, wilfully and without reasonable excuse, includes in any list of electors prepared by him the name of any person whose name he has not good reason to believe should be included, or omits to include in such list the name of any person whom he has good reason to believe has the right to have his name included, shall be guilty of an offence punishable on summary conviction as in this Act provided.

SCHEDULE A TO SECTION 17.

Preparation of Lists of Electors in Urban Polling Divisions.

ENUMERATION.

Rule (1). Forthwith after the receipt by him of notice from the Chief Electoral Officer that a writ of election has been or will be issued for his electoral district, the returning officer shall appoint, in writing in Form No. 5, two persons in each polling division to enumerate the electors therein, and shall require each of such persons to take an oath in Form No. 6 that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law. Each enumerator so appointed shall be a person qualified as an elector in the electoral district.

Rule (2). The returning officer shall, as far as possible, select and appoint the two enumerators of each urban polling division so that they shall represent two different and opposed political interests.

Rule (3). At least five days before he proposes to select the persons who are to act as enumerators as aforesaid, the returning officer shall give notice accordingly to the candidate who, at the then last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes. Such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator in every urban polling division comprised in the electoral district, and, except as hereinafter provided, the returning officer shall appoint such persons to be enumerators of the polling divisions for which they have been nominated.

Rule (4). If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating candidate or his representative, who may within twenty-four hours thereafter nominate a substitute to whom the provisions of Rule (2) of this Schedule, and of this Rule, shall apply. If no substitute is nominated as aforesaid, or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall, subject to the provisions of Rule (2) of this Schedule, himself select and appoint to any necessary extent.

Rule (5). If, at the then last preceding election in the electoral district, there was opposed to the candidate who received the highest number of votes no candidate repre-

senting a different and opposed political interest and therefore no nominations by such a candidate are possible, or if either of the candidates mentioned in Rule (3) of this Schedule fails to nominate a suitable person for appointment as enumerator of any polling division in the applicable electoral district, the returning officer shall, subject to the provisions of Rule (2) of this Schedule, himself select and appoint to any necessary extent.

Rule (6). The two enumerators appointed for each urban polling division shall, with relation to every process of the preparation of their list of electors, act jointly and not individually. They shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them. The returning officer shall decide the matter of difference and shall communicate his decision to the enumerators. They shall accept and apply it as if it had been originally their own. The returning officer may at any time replace any urban enumerator appointed by him by appointing, subject to the provisions of Rule (2) of this Schedule, another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information which he has obtained for the purpose of the performance of his duties; and on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (7). Each pair of enumerators, after taking their oaths as such shall, on Monday, the forty-ninth day before polling day, proceed jointly to ascertain the name, address and occupation of every person qualified to vote under the provisions of sections fourteen, fifteen and sixteen of this Act, in the polling division for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and leaving at the residence of every person who applies to be registered as an elector a notice in Form No. 7, which shall be detached from the enumerators' record book, that they have granted, or refused, as the case may be, that person's application to be registered as an elector. The aforesaid notice shall be signed by both enumerators.

Rule (8). When making his house-to-house visitation, pursuant to the next preceding Rule, each enumerator shall wear and prominently display an urban enumerator's badge provided by the Chief Electoral Officer as evidence of his authority to register the names of the electors residing in the polling division. Any enumerator wearing such badge at any other time or any person wearing the said

badge without authority or wearing any other badge purporting to be an enumerator's badge, shall be guilty of an offence against this Act, punishable on summary conviction as in this Act provided.

Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice,—once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered).

Rule (10). Each pair of enumerators shall exercise the utmost care in preparing the list of electors for the polling division for which they have been appointed. They shall take all necessary precautions to ensure that their list, when complete, contains the name, occupation and address of every qualified elector in the polling division for which they have been appointed, and that it does not contain the name of any person who is not so qualified.

Rule (11). Enumerators who, wilfully and without reasonable excuse, omit from their list of electors the name of any person entitled to have his or her name entered thereon, or enter on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which they may be liable, forfeit their right to payment for their services as enumerators.

Rule (12). Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if in his judgment the said list is incomplete or if it contains the name of any person whose name should not be included in the list, he shall not certify the enumerators' account, and shall forward the account uncertified to the Auditor General with a special report attached thereto stating the relevant facts, and, moreover, the Auditor General shall not issue a cheque in payment of an enumerator's account until after the revision of the preliminary lists of electors by the revising officer has been completed, and it shall be the duty of the revising officer forthwith after his sittings as such to inform the Auditor General, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said lists, or wrongfully and wilfully included any name or names thereon.

Rule (13). On Saturday, the forty-fourth day before polling day, each pair of enumerators shall prepare a complete list of the names, addresses and occupations of the persons who are qualified as electors in the polling division for which they have been appointed. Such list shall be

prepared, in all urban polling divisions, in geographical order, that is, by streets, roads and avenues, as in Form No. 8, except when otherwise directed by the returning officer pursuant to subsection sixteen of section seventeen of this Act. The enumerators shall also prepare in like form a sufficient number of copies of such list to comply with Rules (15) and (16) of this Schedule.

Rule (14). The enumerators shall, in such list, as indicated in Form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, as the case may be, prefixing each name with the abbreviation "Mrs". When the name of a married woman is entered on the list immediately below her husband's name, there shall be no occupation given opposite such woman's name, as shown in the said Form No. 8. The name of an unmarried woman shall be prefixed with the word "Miss," as indicated in the said Form No. 8.

Rule (15). Upon completion of the foregoing requirements and not later than Monday, the forty-second day before polling day, each pair of enumerators shall deliver or transmit to the returning officer who appointed them at least two plainly written or typewritten copies of the preliminary list of electors for the polling division for which they were appointed, together with their record books containing the carbon copies of the notices in Form No. 7. Each of such copies of the list shall be severally sworn to by both enumerators in Form No. 9.

Rule (16). The enumerators shall also, on the same day as that whereon, pursuant to the next preceding Rule, they transmit or deliver copies of their preliminary list of electors to the returning officer, post up or cause to be posted up one copy thereof in a conspicuous place within their polling division to which the public has access.

Revision of Lists of Electors in Urban Polling Divisions.

Rule (17). For every urban polling division, the judge as defined in subsection fifteen of section two of this Act shall be the *ex officio* revising officer. In the event of there being or arising a vacancy in the office of *ex officio* revising officer, another judge for the same district, if any, shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be substitute for the *ex officio* revising officer pending the appointment or nomination of a new judge.

Rule (18). Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall appoint in writing, in Form No. 10, a substitute

revising officer for every revisal district, as hereafter established by the returning officer, for which the *ex officio* revising officer is not prepared to himself revise the list of electors for the pending election. Every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act. Every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial performance of his duties. The substitute revising officer's oath shall be in Form No. 11, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province. The *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed. The *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him.

Rule (19). Every revising officer shall, for the purpose of the performance of his duties, have the same powers as would be exercisable by the *ex officio* revising officer when sitting in court, and, subject as in this Act provided and to such instructions as may be given by the Chief Electoral Officer, shall regulate the procedure in all matters coming before him in such manner as he shall see fit.

Rule (20). The returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

Rule (21). The returning officer shall also secure for each revisal district a convenient place properly furnished, lighted and heated, in which the revising officer shall sit for the revision of the list of electors. The place where the revising officer sits as such shall hereafter in these rules be termed the "revisal office."

Rule (22). The returning officer shall then communicate with the *ex officio* revising officer and shall ascertain from him whether he will himself revise the lists of electors for any, and if any, what revisal district, and such *ex officio* revising officer shall thereupon notify the returning officer of the revisal district for which he will himself revise the lists, and of the names of such other persons, if any, as are or will be appointed by him as substitute revising officers to revise the lists for any other revisal districts, indicating the revisal districts for which such other persons, if any, will act.

Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Wednesday, the nineteenth day before polling day, cause to be printed a notice of revision in Form No. 12, describing the boundaries of each of the revisal districts established by him, giving the name and address of the revising officer for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the list of electors, and stating the day and time during which such revisal office will be open. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause six copies of such notice for each thousand of the population to be posted up in conspicuous places throughout each revisal district. Immediately after the printing of such notice in Form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate formally nominated, and, at the discretion of the returning officer, to every person reasonably expected to be formally nominated as a candidate at the pending election, or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the above mentioned notice to be posted up outside of and near to the revisal office where he will sit to revise the lists. The revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the three days of sittings for revision.

Rule (25). The returning officer shall furnish to each revising officer at least three copies of the printed preliminary list of electors for every polling division comprised in his revisal district and shall also furnish the required number of copies of the notice of revision in Form No. 12, together with the necessary supplies.

Rule (26). The sittings of the revising officers for the revision of the lists shall commence at ten o'clock in the forenoon of Monday, Tuesday and Wednesday, the fourteenth, thirteenth and twelfth days before polling day, and shall continue only during such time as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the *Interpretation Act*, the day for the commencement or continuation of the sittings may be postponed accordingly. On the last day fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists between the hours of seven and ten o'clock in the afternoon of such day.

Rule (27). At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of,—

- (a) personal applications made by persons whose applications to have their names included in the preliminary list of electors have been refused by the enumerators; and
- (b) personal applications made by electors whose names were omitted from the preliminary list; and
- (c) sworn applications made by agents, on Forms Nos. 15 and 16, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to *Rule (33)* of this Schedule; and
- (d) verbal applications for the correction of names or particulars of electors appearing on the preliminary list, and
- (e) of any objection made on oath, in Form No. 13, to the inclusion of any name on the preliminary lists of electors, of which he himself has given notice to the elector concerned, in Form No. 14, pursuant to the next following rule.

Rule (28). If any elector whose name appears in the preliminary list of electors for any polling division in the electoral district within which any revisal district is comprised makes oath in Form No. 13, before the revising officer, before or during the first day of his sittings for revision, giving particulars of the list of electors upon which his name appears, stating that he is qualified to vote in that electoral district and alleging the death or disqualification as an elector of a person whose name appears on any preliminary list of electors of a polling division which is comprised in such revisal district, the revising officer shall transmit before or on the first day of his sittings for revision, by registered mail, addressed to the person, the appearance of whose name upon such list is objected to, at the address, if any, mentioned in the list of electors, and also at such other address, if any, as may be mentioned in the oath of such elector, a notice of objection in Form No. 14 requiring the person to appear in person or by representative before the revising officer during any of his sittings for revision, to establish his qualification as an elector. The revising officer shall transmit with each copy of such notice a copy of the oath of the elector who has made the objection.

Rule (29). In case of any objection made on oath under the next preceding *Rule*, of which notice has been properly given by the revising officer, the onus of establishing his right to have his name included in the finally revised list of electors shall be upon the person objected to, and if such person does not, during the sittings for revision, appear before the revising officer personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom, whether or not the elector by whom the objection was made has appeared before

him. Provided that, if the revising officer receives, before the close of the sittings for revision, from such person an affidavit or statutory declaration justifying on sufficient grounds his non-attendance and verifying his qualification to have his name retained on such list, the provisions of this *Rule* as to the effect of non-appearance shall not be applied.

Rule (30). The revising officer shall revise the preliminary lists of electors to which his appointment relates in accordance with the provisions of this Act and particularly in accordance with the following *Rules*.

Rule (31). During the sittings for the revision of the list of electors, every revising officer shall keep a record, in the special form prescribed by the Chief Electoral Officer, upon which each application, as it is made, and its disposition, shall be noted. Such record shall be termed the "Revising Officer's Record".

Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at any sitting of the revising officer for such revisal district, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record as an accepted application for registration in the list of electors of the polling division wherein such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, any revising officer may, at any sitting for revision held by him, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list of electors for one of the polling divisions comprised in the revising officer's revisal district, a sworn application of that elector in Form No. 15, exhibiting an application in Form No. 16, signed by the person who desires to be registered as an elector. If such person is then temporarily absent from his ordinary place of residence, a sworn application may be made in the alternative Form No. 16 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record as an accepted application for registration in the official list of electors of the polling division wherein such person resides. The two applications shall be printed on the same sheet and shall be kept attached.

Rule (34). If the revising officer entertains a doubt as to whether any application for registration, as in the next preceding *Rule* mentioned, should be allowed, he shall not accept such application but the applicant may appear in person or by agent before the revising officer at any time during his sittings as such, for the purpose of proving his, the applicant's right to be registered as an elector; and if he fails to appear personally or by agent, or fails to produce satisfactory proofs, the revising officer may refuse the application.

Rule (35). The revising officer shall consider all verbal applications for correction of mistakes in names, or in descriptions of residences or occupations appearing in any printed list of electors relating to his revisal district and, upon satisfactory evidence being furnished to him, he shall enter the particulars of the correction in his record as an accepted application for correction to be made in the appropriate official list of electors.

Rule (36). During his sittings for revision the revising officer shall hear and determine all objections made upon oath before him under *Rule (28)* of this Schedule and of which notice has been properly given by him under the said rule.

Rule (37). Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act. Whenever it is deemed necessary, each revising officer may, with the prior approval of the returning officer, appoint a person as a clerical assistant for not more than three days, preferably after his sittings for revision.

Rule (38). The revising officer shall permit to be present in the revisal office two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the revising officer, have any right to take part or intervene in the proceedings.

Rule (39). The revising officer shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province. He may appoint, if necessary, a constable or constables for the maintenance of order in his revisal office and for the arrest and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

Rule (40). Immediately after the conclusion of his sittings and at the latest on Thursday, the eleventh day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists

of electors supplied to him. The revising officer shall consign every entry in the record to its appropriate place on each list. The names added to the list shall be written by hand on the border of the list where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names should be inserted in the re-printing of the finally revised list. Every correction in the name, residence or occupation of the elector shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following *Rule*. The printed list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act.

Rule (41). The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Thursday, the eleventh day before polling day, prepare from his record at least six copies of the statement of changes and additions, in Form No. 17, for each polling division comprised in his revisal district, and shall complete the certificate at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 17 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form, and completing the form in every other respect.

Rule (42). Upon completing the foregoing requirements, and not later than Friday, the tenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the printed preliminary list, the six copies of the statement of changes and additions in Form No. 17, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record, duly certified, the duplicate notices to electors objected to, with attached affidavits in Forms Nos. 14 and 13, respectively, every used application made by agents in Forms Nos. 15 and 16, and all other documents in his possession relating to the revision of the list of electors for the various polling divisions included in his revisal district, with the exception of the extra two copies of the printed preliminary list of electors supplied to him for each polling division comprised in his revisal district; which copies the revising officer shall keep in his possession.

Rule (43). As soon as possible after receipt of the printer's proofs of the finally revised lists of electors from the returning officer it shall be the duty of the revising officer to read and

examine the same in order to ascertain that they conform to the changes made during the sittings for revision. When duly certified by both the revising officer and the returning officer and re-printed, such finally revised lists of electors shall constitute the official lists of electors to be used for the taking of the vote at the pending election.

SCHEDULE B TO SECTION 17.

Preparation of Lists of Electors in Rural Polling Divisions.

ENUMERATION.

Rule (1). As soon as possible after he has been notified of the issue of the writ of election in his electoral district, the returning officer shall, by writing in Form No. 5, appoint a person to be enumerator for each rural polling division in the electoral district. Such person shall be qualified as an elector and resident in the polling division for which he has been appointed.

Rule (2). If it is impossible promptly to secure the services of a resident person who is qualified to act, an enumerator may be appointed to act in a rural polling division although he is not resident therein. In any event, the enumerator must be a person qualified as an elector in the electoral district.

Rule (3). Every enumerator shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least three copies of a notice in Form No. 19, that he is about to prepare a list of qualified electors in the polling division, which said list will be revised and corrected by him at a stated place where he will be found between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day.

Rule (4). The enumerator of each rural polling division shall, after posting such notice and beginning on Monday, the forty-ninth day before polling day, proceed to prepare a preliminary list of all the persons who are qualified as electors under the provisions of sections fourteen, fifteen and sixteen of this Act, in his polling division. Such list shall be prepared from such information as the enumerator may be able to secure by a house-to-house visitation in the polling division or from such other sources of information as may be available to him and can be conveniently used.

Rule (5). The names, addresses and occupations of all electors, men and women, who are included by the enumerator in such list shall be written in an index book in Form No. 20, with the names of the electors grouped according to the initial letter of their respective surnames, the post office address and occupation of each being fully stated.

Rule (6). The enumerator shall, in such index book, as indicated in Form No. 21, register the name of a married woman or widow under the name or surname of her husband or deceased husband, as the case may be, prefixing the name with the abbreviation "Mrs". When the name of a married woman is entered in the index book immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in Form No. 21. The name of an unmarried woman shall be prefixed with the word "Miss", as indicated in the said Form No. 21.

Rule (7). Every enumerator shall exercise the utmost care in preparing the list of electors for the polling division for which he has been appointed. He shall take all necessary precautions to make certain that his list, when complete, contains the name, address and occupation of every person who is qualified as an elector in the polling division, and that it does not contain the name of any person who is not so qualified.

Rule (8). Any enumerator who, wilfully and without reasonable excuse, omits from his list of electors the name of any person entitled to have his or her name entered thereon, or enters on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which he may be liable, forfeit his right to payment for his services and expenses as enumerator.

Rule (9). Upon receipt of the two copies of the preliminary list of electors, as prescribed in *Rule (10)*, or of the index book, as prescribed in *Rule (20)* of this Schedule, the returning officer shall carefully examine the same and if in his judgment the said list or the index book appears to be incomplete or contains the name of any person who should not be so included, he shall not certify the enumerator's account, and the account shall be sent forward uncertified to the Auditor General, with a special report attached setting forth the relevant facts.

Rule (10). As soon as possible after six o'clock in the afternoon of Saturday, the forty-fourth day before polling day, each enumerator shall complete the preliminary list of electors for the polling division for which he has been appointed, and on or before Tuesday, the forty-first day before polling day, he shall prepare, in alphabetical order as in Form No. 21, at least four plainly written or typewritten copies of the list of electors as contained in the index book, and shall complete the certificate printed at the foot or end of the last sheet of the said Form No. 21.

Rule (11). The enumerator shall, forthwith after compliance with the next preceding *Rule*, and not later than Tuesday, the forty-first day before polling day, post up one certified copy of his preliminary list of electors, at the place

within the polling division at which he may be found pursuant to *Rule (3)* of this Schedule. He shall attach thereto a copy of the notice in Form No. 19, posted up pursuant to *Rule (3)* of this Schedule. He shall also on the same day transmit or deliver to the returning officer at least two written or typewritten copies of the preliminary list of electors as contained in the index book. To one of the said copies the enumerator shall attach a copy of the notice given by him under *Rule (3)* of this Schedule. The enumerator shall retain in his possession one copy of the preliminary list of electors for his polling division as prepared by him, which copy shall be kept available for inspection by any interested person at all reasonable times.

Revision of Lists of Electors for Rural Polling Divisions.

Rule (12). The returning officer shall whenever possible furnish every rural enumerator with two printed copies of the preliminary list of electors for the polling division for which he has been appointed.

Rule (13). In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice as aforesaid between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, set for the revision of the said list as posted up pursuant to *Rule (3)* of this Schedule.

Rule (14). The enumerator shall permit to be present in the place of revision one representative of each recognized and opposed political interest in the electoral district, but no representative shall, except with the permission of the enumerator, have any right to take part or intervene in the proceedings.

Rule (15). Each rural enumerator shall revise the preliminary list of electors in the index book for his polling division in accordance with the provisions of this Act and particularly in accordance with the following *Rules*.

Rule (16). At any time after the enumerator has posted up his preliminary list, and particularly between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, at the place stated for the revision of the said list in the notice posted by him pursuant to *Rule (3)* of this Schedule, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him in the index book requires amendment as herein-after mentioned, the enumerator shall

(a) add to such list in the index book the name of any person who is qualified as an elector in the polling

division at the election then pending, but whose name has been omitted from the preliminary list; or

(b) strike out from such list in the index book the name of any person who is not qualified as an elector in the polling division; or

(c) correct in the index book any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list.

Rule (17). Any change which the enumerator makes in the preliminary list of electors shall be made by correcting the index book with ink of a colour different from that which was used in its preparation.

Rule (18). Every correction made by the enumerator as aforesaid in the preliminary list of electors in the index book, by the addition, striking out or correction of any entry therein, shall be initialled and dated by him in the remarks column on the same line immediately after such correction is made.

Rule (19). The enumerator shall then prepare at least six copies of the statement of changes and additions, in Form No. 23, made by him in the preliminary list of electors for his polling division, as shown by the entries in the index book made after the said preliminary list has been posted up, and shall complete the certificate printed at the foot or end of each copy of such statement. If no changes or additions have been made in the preliminary list as posted up, the enumerator shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 23 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form, and completing the form in every other respect.

Rule (20). Upon the completion of the foregoing requirements and not later than Thursday, the eleventh day before polling day, the enumerator shall deliver or transmit to the returning officer the index book duly certified, in Form No. 22, which certificate shall be printed on the outside back cover of the said book, and all other documents in his possession relating to the revision of the list of electors for his polling division, with the exception of the two copies of the printed preliminary list of electors supplied to him by the returning officer, which copies the enumerator shall keep in his possession. The enumerator shall also deliver or transmit at the same time to the returning officer five certified copies of the statement of changes and additions mentioned in the next preceding *Rule* of this Schedule.

Rule (21). In polling divisions in which only one polling station has been established, the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors and the statement of changes and additions in Form No. 23, shall together constitute the official list of electors to be used for the taking of the

vote on polling day at the pending election at the polling station in the polling division for which the enumerator has been appointed to act. And in polling divisions in which more than one polling station has been established, the appropriate portion of the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors together with the appropriate special statement of changes and additions certified by the returning officer, pursuant to subsection seven of section thirty-three of this Act, shall together constitute the official list of electors to be used for the taking of the vote at each of such polling stations.

Rule (22). In very remote polling divisions where the postal service is such that it is doubtful if the preliminary list of electors or the statement of changes and additions can be sent by the returning officer to the appropriate deputy returning officer in time for the election, the Chief Electoral Officer may direct that the written or typewritten preliminary list of electors, or one copy of the statement of changes and additions, or both, as prepared by the enumerator, shall be delivered or transmitted by the enumerator direct to the deputy returning officer concerned. In such cases the deputy returning officer shall, for the taking of the vote, use the written or typewritten list of electors, or the statement of changes and additions, or both, as the case may be, as though he had received them or either of them direct from the returning officer.

Rule (23). Each enumerator shall retain in his possession one copy of the preliminary list of electors and one copy of the statement of changes and additions made therein, which said copies he shall permit to be inspected at any reasonable time by any elector who asks to be permitted to inspect the same.

Rule (24). Enumerators shall be subject to and in all respects abide by and carry out the directions of the returning officer. The returning officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall upon request in writing, signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any instructions, list of electors, index book or other papers and information which he has obtained or prepared for the purpose of the performance of his duties; on default, he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Proclamation by Returning Officer.

18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified by the Chief Electoral Officer of the issue of such writ,

Proclamation
by returning
officer.

To be mailed
to post-
masters.

whichever shall be the sooner, the returning officer shall issue a proclamation in Form No. 4 under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, and shall mail one copy at least to the various postmasters of the post offices within his electoral district, and such proclamation shall indicate

- (a) the place and time fixed for the nomination of candidates (which shall be held at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district);
- (b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;
- (c) the time when and the place where the returning officer will add up the number of votes given to the several candidates;
- (d) what portion or portions of the electoral district are to be deemed to be urban and rural polling divisions, respectively; and
- (e) an exact description of the place in the electoral district where the returning officer has established his office.

The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section.

Yukon
Territory.

(2) In the Yukon Territory it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one daily newspaper published in Dawson and in one thereof, if any, published in Whitehorse, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day.

Publication.

Inadvertent
omission.

(3) Inadvertent omission on the part of the returning officer of any electoral district to mail such proclamations or any thereof in time or to mail them to a number less than one-tenth of the postmasters within an electoral district shall not be deemed non-compliance with the provisions of this section.

Copies of
proclama-
tion.

(4) As soon as the proclamation is printed, the returning officer shall deliver or send by mail five copies thereof to each person who is, or at the election last held in the electoral district was, a candidate for election.

Postmaster
to post up
proclama-
tion.

(5) Every postmaster shall, forthwith after receipt of such proclamation, post it up in some conspicuous place within his office to which the public has access and maintain

it posted there until the time fixed for the nomination of candidates has passed, and failure to do so shall be ground for his dismissal from office, and for the purposes of this provision such postmaster shall be deemed an election officer and liable as such.

Qualifications of Candidates.

19. Except as in this Act otherwise provided, any British subject, man or woman, who is of the full age of twenty-one years, may be a candidate at a Dominion election. Qualifications of candidates.

Persons Ineligible as Candidates.

20. (1) The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at an election, namely:— Ineligibility of candidates.

(a) every person found by the report of the judge on the trial of an election petition to have committed at an election any corrupt practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or has been convicted before any competent court of having committed at an election any offence which is a corrupt practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice, or found guilty in any proceeding in which after notice of the charge he has had an opportunity of being heard, of any corrupt practice or of any offence which is a corrupt practice—during the period of seven years next after the date of his being so found, convicted, ordered or found guilty; Corrupt practice.

(b) every person found by the report of the judge on the trial of an election petition to have committed at an election any illegal practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or has been convicted before any competent court of having committed at an election any offence which is an illegal practice, or ordered to pay any sum forfeited because of the commission of any illegal practice, or found guilty in any proceeding in which after notice of the charge he has had an opportunity of being heard of any illegal practice or of any offence which is an illegal practice—during the period of five years next after the date of his being so found, convicted, ordered or found guilty; Illegal practice.

(c) every person directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement express Government contractors.

or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid—during the time he is so holding, enjoying, undertaking, or executing;

Member of legislature.

(d) every person who is a member of the legislature of any province—during the time he is such member;

Certain public officers.

(e) every person holding the office of sheriff, registrar of deeds, clerk of the peace or county Crown attorney—during the time he is holding such office;

Persons in employ of Government.

(f) every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—during the time he is so holding any such office, commission or employment.

Exceptions.

(2) The provisions of this section shall not render ineligible,

Ministers.

(a) the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of Pensions and National Health, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport and Minister of Agriculture, Parliamentary Secretary or Parliamentary Under Secretary or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;

Members of naval, military or air forces on active service.

(b) any person serving in the naval, military or air forces of Canada, or in any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service;

Shareholder of company having Government contract.

(c) a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company which undertakes a contract for the building of any public work;

Person on whom contract devolves.

(d) a person on whom the completion of any contract or agreement, expressed or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months have elapsed after the same has so devolved on him;

- (e) a contractor for a loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada on terms common to all persons; or Contractor for loans to Government.
- (f) an officer of the militia or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind, prescribed by the *Militia Act*, or fixed or prescribed by the Governor in Council under the provisions of the *Militia Act*, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction. Purchaser of stock of Canada.
- (3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible. Militia officer or militiaman.

R.S. c. 132.

Effect of election of ineligible person.

Polling Day, Nomination Day and Nomination of Candidates.

21. (1) The Governor in Council shall fix the day upon which the poll shall be held at any election, and such day shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day, and shall name the same day for the poll. Polling day.

(2) The day fixed for the poll shall at any election be a Monday, unless the Monday of the week in which it is desired to hold the poll To be held on a Monday.

(a) is a holiday as defined by the *Interpretation Act*; or Exceptions.

(b) at a general election, is a day which is generally observed by the residents of any province as a day for religious exercises and is declared to be a holiday by the law of such province; or R.S. c. 1.

(c) at a by-election, is a day so generally observed in and so declared by the law of the province within which the electoral district lies;

and in any such case the day fixed for the poll shall be Tuesday of the same week.

(3) The day for the close of nominations (in this Act referred to as nomination day) shall in the electoral districts specified in Schedule Three to this Act be the Monday of the second week next preceding the week of the poll, and in all other electoral districts shall be the Monday of the week preceding the week of the poll. Nomination day.

To be held on a Monday.

(4) If the Monday on which nomination day would otherwise fall is such a day that, if the poll had been directed to be held in that week, it would have been held on Tuesday, the Exception.

day for the close of nominations shall be the Tuesday following the Monday upon which the nominations would otherwise have closed.

Form of nomination.

(5) Any ten or more electors qualified to vote in an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form No. 24 stating therein such particulars of the name, address and occupation of each person proposed as sufficiently to identify such candidate, and also stating therein the address of the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, together with the name, address and occupation of his official agent, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section.

R.S., c. 50.

Each candidate separately.

(6) Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected for the same electoral district.

Nomination paper to be attested on oath.

(7) The returning officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that

(a) the several persons who have signed such nomination paper are duly qualified electors of the electoral district for which the election is to be held; and

(b) they have signed it in his or their presence; and

(c) the consent of the candidate was signed on the nomination paper in his or their presence, or, as the case may be, that the person named as candidate is absent from the electoral district.

Form of oath.

(8) Such oath may be in Form No. 25 and the fact of its having been taken shall be stated on the back of the nomination paper.

Consent of candidate.

(9) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by

(a) the consent in writing of the person therein nominated, except where such person is absent from the electoral district in which the election is to be held, when such absence shall be stated in the nomination paper; and

Deposit by candidate.

(b) a deposit of two hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque made payable to the Receiver General of Canada, for that amount drawn upon and accepted by such bank.

(10) The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated. Receipt for deposit.

(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Auditor General. Sent to Auditor General.

(12) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been officially nominated. After two o'clock on nomination day no further nominations shall be receivable or be received. Time and place for receiving nominations.

(13) The sum so deposited by any candidate shall be returned to him by the Auditor General in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Canada. Disposition of deposit.

(14) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board. Deposit returned in case of death of candidate.

(15) At the close of the time for nominating the candidates the returning officer shall deliver to every candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated. List of names of candidates nominated.

(16) Any votes given at the election for any other candidates than those officially nominated in the manner provided by this Act shall be null and void. Votes for any other to be void.

Withdrawal of Candidates.

22. (1) Any candidate officially nominated may withdraw at any time after his nomination, but not later than forty-eight hours before the opening of the poll on polling day, by filing with the returning officer a declaration in writing to that effect signed by himself, and attested by the signatures of two qualified electors in the electoral district, and any votes cast for the candidate who has so Withdrawal of candidates.

withdrawn shall be null and void. The deposit of a candidate so withdrawing shall be forfeited.

Notice of withdrawal to election officers and electors.

(2) When a candidate has withdrawn after nomination day, and after the ballots are printed, the returning officer shall advise, by letter or telegraph, each deputy returning officer of his electoral district of such withdrawal. When time permits, a notice of the withdrawal shall be printed by the returning officer and distributed to each deputy returning officer. On polling day, each deputy returning officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit of the printing and the distribution of such notice, the deputy returning officer, upon being advised by letter or telegram, by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In any case the deputy returning officer shall, when delivering a ballot to each elector, inform such elector of the withdrawal of any candidate.

If no more candidates remain than number to be elected.

(3) If, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll.

False statement of withdrawal of candidate.

(4) Any person who, before or during an election, for the purpose of procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at such election is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty.

Death of Nominated Candidate.

Postponement of nomination day on death of candidate.

23. (1) Whenever any candidate dies after the close of the nominations and before the closing of the polls, the returning officer shall, after communicating with the Chief Electoral Officer, fix another day for the nomination of candidates.

Notice and proclamation of new nomination and polling days.

(2) Notice of the day fixed, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Three to this Act, be Monday the fourteenth day after the day fixed for the nomination, and, in all other electoral districts, be Monday, the seventh day after the date fixed for the nomination.

Lists of electors.

(3) The lists of electors to be used at such postponed election shall be the official lists of electors prepared and revised after the issue of the writ.

(4) Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer with the return to the writ. Report.

Return by Acclamation.

24. (1) Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held, has or have been officially nominated within the time fixed for that purpose the returning officer shall forthwith make his return to the Chief Electoral Officer, in Form No. 26, that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected. Return when no more candidates than number of members required.

(2) The returning officer shall include in his return to the Chief Electoral Officer a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. Report with return.

(3) Nothing in this Act shall be construed to impose any liability upon any person officially nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration or has been elected. No one a candidate without his consent.

The Granting of a Poll.

25. (1) If more candidates than the number required to be elected for the electoral district are officially nominated in the manner required by this Act the returning officer shall grant a poll for taking the votes of the electors. Granting of a poll

(2) Within two days after such poll has been granted, the returning officer shall mail to the same postmasters to whom the proclamation in Form No. 4 shall have been mailed (and in the Yukon Territory advertise in the same papers) notices in Form No. 27 issued under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, of his having granted such poll, and indicating:— Returning officer to mail notice to postmasters.

(a) the names, addresses and occupations of the candidates officially nominated, in the order in which they are to be printed on the ballot papers; and Candidates.

(b) the names, addresses and occupations of the official agents of such candidates as stated in the applicable nomination papers; and Official agents.

(c) the several polling stations fixed by him for the various polling divisions and (in as brief as possible terms) the territorial limits of such polling divisions. Polling stations and polling divisions.

(3) The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section. Notification to postmaster.

Copies of
notice to
candidates.

(4) The returning officer shall, as soon as possible, deliver or send by registered mail ten copies of such notice in Form No. 27 to each candidate officially nominated.

To be posted.

(5) Every postmaster shall, forthwith after receipt of such notice in Form No. 27, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed, and failure to do so shall be ground for his dismissal from office; and for the purpose of this provision such postmaster shall be deemed an election officer and liable as such.

Postmaster
election
officer.

Deputy Returning Officers and Poll Clerks.

Deputy
returning
officers.

26. (1) As soon as convenient after the issue of the writ of election, the returning officer shall, by writing in Form No. 28 executed under his hand, appoint one deputy returning officer for each polling station established in his electoral district. Every deputy returning officer shall before acting as such take an oath in Form No. 29.

List of
deputies to
candidates.

(2) The returning officer shall furnish to each candidate or his agent, at least three days before polling day, a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district with the number of the polling station at which each is to act.

Replacing
deputies.

(3) The returning officer may, at any time, relieve any deputy returning officer of his duties and appoint another to perform the same, and any deputy returning officer so relieved, and any deputy returning officer who refuses or is unable to act, shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, the ballot box and all ballot papers, lists of electors and other papers in his possession as such deputy returning officer; on default, he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Offence.

Poll clerks.

(4) Each deputy returning officer shall, forthwith after his appointment, appoint by writing under his hand, in Form No. 30, a poll clerk, who before acting as such shall take the oath printed on the said Form No. 30. Such forms of appointment and oath shall be printed in the poll book.

Information
as to
poll clerks.

(5) Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than six o'clock in the afternoon of the Saturday immediately preceding polling day, the name, address and occupation of his poll clerk; and the returning officer shall, not later than seven o'clock in the afternoon of the Saturday immediately preceding polling day, post up in his office a list of the names and addresses of the deputy returning officers and poll clerks, showing the polling station where each is to act,

Posting of
list of names
of deputies
and
poll clerks.

and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least ten o'clock in the evening of the same day.

(6) Whenever a deputy returning officer dies, the returning officer may appoint another person in his stead as deputy returning officer; and if no such appointment is made the poll clerk, without taking another oath of office, shall act as deputy returning officer. When deputy dies or cannot act.

(7) Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in Form No. 31, which shall be printed in the poll book, appoint a poll clerk to act in his stead, who shall take the oath printed on Form No. 30. Another poll clerk appointed.

Ballot Boxes and Ballot Papers.

27. (1) The Chief Electoral Officer may cause to be made for each electoral district such ballot boxes as are required; or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape. Ballot boxes.

(2) The ballot boxes shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked. Construction.

(3) The officer in charge of a federal building, the postmaster, the sheriff or the registrar of deeds into whose custody, after the close of the next previous election, the ballot boxes of the electoral district used at such election, with their locks and keys, were deposited pursuant to section fifty-three of this Act, shall deliver to the returning officer whenever he shall so request, such ballot boxes, locks and keys. Furnished by sheriff, registrar or postmaster.

(4) Whenever the returning officer fails to furnish the ballot box to the deputy returning officer for any polling station within the time prescribed by this Act, such deputy returning officer shall otherwise procure it or cause it to be made. If not furnished.

28. (1) All ballots shall be of the same description and as nearly alike as possible. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as they are set out in the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 32. Ballots and their form.

Arrangement
of names
thereon.

(2) Where two members are to be elected for the electoral district and there are more than two candidates, the candidates may, within one hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.

Correction
of name.

(3) Any candidate may, within one hour after the close of nominations, supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

Quality
and weight
of paper.

(4) The ballot papers shall be printed upon paper which shall be furnished to the returning officer by the Chief Electoral Officer at the time of or as soon as possible after the transmission of the writ of election; such ballot paper shall be of a weight not less than a basis of fifty-six pounds per thousand sheets of seventeen inches by twenty-two inches in size.

Numbering
of ballot
papers.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil; each ballot paper shall bear on the back thereof an impression of the stereotype block supplied by the Chief Electoral Officer pursuant to subsection two of section thirteen of this Act. The ballot papers shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballots, as may be most suitable for supplying the polling stations proportionately to the number of voters in each.

Printer's
name and
affidavit.

(6) The ballot papers shall bear the name of the printer and such printer shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, in Form No. 33, setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any other person.

Property
in His
Majesty.

(7) The property in the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in His Majesty.

29. Every one who

Forgery or
destruction
of ballots.

(a) forges, counterfeits, fraudulently alters, defaces, or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

Illegal supply.

(b) without authority supplies a ballot paper to any person;

- (c) not being a person entitled under this Act to be in possession of official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession; Unlawful possession.
- (d) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in; Fraudulently put in box.
- (e) fraudulently takes a ballot paper out of the polling station; Taking out of polling station.
- (f) without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election; Destroying or opening box or packet.
- (g) being a deputy returning officer fraudulently puts, otherwise than as authorized by this Act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; Illegally initialling bogus ballot papers.
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; Illegally printing ballot papers.
- (i) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print; Printing more ballot papers than required.
- (j) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any writing, number, or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby; Marking ballot papers.
- (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or Making, importing or having ballot boxes with secret devices.
- (l) attempts to commit any offence specified in this section; Attempts.
- shall be disqualified from voting at any election for a term of seven years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour. Penalty.

Supply of Election Materials to Deputy Returning Officer.

Papers to be
furnished to
D.R.O.

30. (1) The returning officer shall furnish to each deputy returning officer, at least two days before polling day:

- (a) a sufficient number of ballot papers for at least the number of electors on the official list of electors of such deputy's polling station;
- (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
- (c) the necessary materials for electors to mark their ballots;
- (d) at least ten copies of printed directions in Form No. 34 for the guidance of electors in voting;
- (e) copy of or excerpts from this Act and of the instructions referred to in section thirteen;
- (f) the official list of electors for use at his polling station;
- (g) a ballot box;
- (h) a blank poll book;
- (i) the several forms of oaths to be administered to electors printed together on a card; and
- (j) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the Chief Electoral Officer.

Safe keeping
of ballot
papers, etc.

(2) Until the opening of the poll the deputy returning officer shall keep the blank poll book, list of electors, forms of oaths, envelopes, ballot papers and other election supplies, carefully locked up in the ballot box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.

The Poll and Polling Stations.

Polling
stations.

31. (1) The poll shall be held in one or more polling stations established in each polling division in premises of convenient access, with an outside door for the admittance of electors, and having, if possible, another door through which they may leave after having voted.

Compartment-
ments.

(2) Each polling station shall contain one or two compartments so arranged that each elector may be screened from observation, and may, without interference or interruption, mark his ballot paper.

Table or
desk.

(3) In such compartment there shall be provided for the use of electors in marking their ballots, a table or desk with a hard and smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.

Instructions.

(4) The Chief Electoral Officer may give to the returning officer such instructions as are deemed necessary as to the mode of making the compartments.

Hours of
polling.

(5) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until six o'clock in the afternoon of the same day, and each deputy returning officer

shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station.

(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of such city or town may be centralized, and upon the establishment of such central polling place all provisions of this Act shall apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Central
polling place.

Official List of Electors to be Used at the Poll.

32. (1) The list of electors to be used at a Dominion election shall be the official list of electors as defined in subsection twenty-two of section two of this Act.

List of
electors
to be used
at the poll

(2) The returning officer shall deliver one copy of the official list of electors to each deputy returning officer for his respective polling station. Such list shall be enclosed in the ballot box with the ballot papers and other supplies, as provided by section thirty of this Act.

Returning
officer to
deliver list of
electors to
deputy
returning
officer.

(3) In very remote rural polling divisions where the postal service is such that it is doubtful if the preliminary list of electors or the statement of changes and additions can be sent by the returning officer to the appropriate deputy returning officer in time for the election, the Chief Electoral Officer may direct that the written or typewritten preliminary list of electors, or one copy of the statement of changes and additions, or both, as prepared by the enumerator, shall be delivered or transmitted by the enumerator direct to the deputy returning officer concerned. In such cases the deputy returning officer shall, for the taking of the vote, use the written or typewritten list of electors, or the statement of changes and additions, or both, as the case may be, as though he had received them or either of them direct from the returning officer.

Official list
for a remote
rural polling
division.

33. (1) All the provisions of this section shall apply notwithstanding anything in this Act contained.

Application
of this
section.

(2) If the Chief Electoral Officer so authorizes or directs, and, in any event, where the official list of electors for any polling division contains the names of more than three hundred and fifty electors, the returning officer shall, for the purposes of and during any election, provide within that polling division sufficient separate and adjacent polling stations, so that not more than three hundred and fifty, and, when practicable, not less than one hundred and

Dividing
lists for
large polling
divisions.

Establish-
ment of
extra polling
stations.

seventy-five, names shall be on the list of electors for each of such polling stations, and so that the name of every elector on the official list of electors for the polling division shall appear on some one, and on one only, of the parts of the list of electors allotted to the various polling stations established in such polling division.

Dividing
lists for
rural polling
stations.

(3) If the polling division is rural, the returning officer shall divide the alphabetical list of electors for that polling division into as many separate lists as are required for the taking of the vote at each polling station therein established. The list shall be cut between two initial letters of the surnames of the electors, as they appear thereon, that is to say, between K and L, or between R and S, or as the case may be. The polling stations so established shall be designated by the number of the polling division to which will be added the letters A to K or L to R or S to Z, or in whichever way the list is divided.

Dividing
lists for
urban polling
stations.

(4) If the polling division is urban, the returning officer shall divide the re-printed official list of electors into as many separate lists as are required for the taking of the vote at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector on the official list of electors so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.

Urban lists
divided
alpha-
betically in
some cases.

(5) In urban polling divisions where it is necessary to prepare an alphabetical list of electors pursuant to subsection sixteen to section seventeen of this Act, owing to the territory not being designated by streets, roads, avenues, or otherwise, the returning officer shall divide the list as directed by subsection three of this section.

Certificate
of returning
officer.

(6) To each portion of the official list of electors, divided as provided in this section, the returning officer shall append a special certificate signed by himself, in the form prescribed by the Chief Electoral Officer, attesting to its correctness before sending the same to the deputy returning officer for the appropriate polling station at which it is to be used for the taking of the vote on polling day.

Special
statements
of changes
and additions
prepared by
returning
officer in
large rural
polling
divisions.

(7) For any rural polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions in Form No. 23 as certified by the rural enumerator, special statements of the said changes and additions, in alphabetical order, and in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such

special statement of changes and additions to the polling station to which it belongs. If no changes or additions have been made by the enumerator in the preliminary list for any polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word "Nil" on the three blank spaces provided for the various entries on the said form, and completing the form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the vote on polling day at such deputy returning officer's polling station.

(8) Every elector of a rural polling division the initial letter of whose surname is included within the letters designating a polling station, and contained in a list of electors divided pursuant to subsections three and seven of this section, shall vote, if at all, at the station to which such part of the list applies, and not otherwise. Where rural electors vote.

(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four and five of this section, shall vote, if at all, in the polling station to which has been allotted such part of the list as contains his name, and not otherwise. Where urban electors vote.

(10) The returning officer shall appoint a deputy returning officer for each of such polling stations and shall deliver to him a correct list of all electors whose names are on the applicable part of the list of electors for the polling division and who, pursuant to this section, are to vote, if at all, at such deputy returning officer's polling station. Deputy for each polling station.

Agents at the Polls.

34. (1) In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open. Forthwith on being admitted to the polling station each agent shall deliver his written appointment to the deputy returning officer. Who may be present at polling station.

(2) Each of the agents of such candidate, and, in the absence of agents, each of the electors representing such candidate, on being admitted to the polling station, shall Oath of secrecy.

take an oath in Form No. 35 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

Agent
authorized
in writing.

(3) Any agent bearing a written authorization from the candidate shall be deemed an agent of such candidate within the meaning of this Act, and shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate.

Agents may
absent
themselves
from poll.

(4) Agents of candidates or electors representing candidates may, with the permission of the deputy returning officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.

Counting
of ballots
before
opening
of poll.

35. (1) If the agents and electors entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening the poll, they shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll.

Candidate
may act as
his own
agent.

(2) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

Provisions
requiring
presence
of agents.

(3) The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and wherever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done.

Proceedings at the Poll.

Directions
to electors
to be
posted up.

36. (1) The deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to electors as have been supplied to him in Form No. 34 to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station.

(2) At the hour fixed for opening the poll the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

Opening and
locking of
ballot box.

(3) Immediately after the ballot box is so locked, the deputy returning officer shall call upon the electors to vote.

Calling
electors.

(4) The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that they are not impeded or molested at or about the polling station.

Electors
not to be
impeded.

(5) The deputy returning officer may, if he deems it advisable, direct that not more than one elector for each compartment shall, at any time, enter the room where the poll is held; and each elector, upon so entering, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the elector appears on the official list of electors used at the polling station or, in a rural polling division only, if the applicant elector is otherwise qualified to vote. When it has been ascertained that the applicant elector is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk, in Form No. 36, a consecutive number being prefixed to the elector's name in the appropriated column of the poll book, and the elector shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

One elector
at a time.

Voter to
declare his
name, etc.

Who may
vote and
where.

37. (1) Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be permitted to vote at the polling station on the list of electors for which his name appears. In an urban polling division, he shall not be permitted to vote if his name does not so appear thereon, unless he has obtained a transfer certificate, pursuant to section forty-three of this Act, and fully complies with the provisions of subsection five of the said section, or unless he has obtained from the returning officer a certificate in Form No. 18 pursuant to subsection fourteen of section seventeen of this Act, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote. In a rural polling division, any qualified elector may vote subject to the provisions of section forty-six of this Act notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides.

"Closed"
lists in
urban polls.

"Open"
lists in
rural polls.

Prescribed
oaths only.

(2) Except as provided in this Act no other oath shall be required of any person whose name is entered on the list of electors.

Voting
more than
once at the
same
election.

(3) No elector shall vote more than once in the same electoral district at the same election nor in more than one electoral district on the same day, but each elector may vote for as many candidates as are required to be elected to represent the electoral district in which he votes.

Penalty for
wrongfully
inducing
person
to vote.

38. (1) Any person who induces or procures any other person to vote at an election, knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Burden of
proof on
accused.

(2) Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified from voting, or incompetent to vote, that the accused did not know thereof, shall be upon the accused.

Oath of
elector.

39. (1) An elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take an oath in Form No. 37, and if he refuses to take the same, erasing lines shall be drawn through his name on the list of electors and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Affidavit
of electors.

(2) In urban polling divisions, whenever an elector is specially required so to do, by any of the persons mentioned in the next preceding subsection, such elector shall take an affidavit in Form No. 38, before the deputy returning officer, instead of the oath prescribed in the said subsection and if such elector refuses so to take such affidavit he shall not be permitted to vote.

Improper
varying
of oath.

40. (1) If any deputy returning officer or poll clerk, presiding at a polling station, in administering to any person any oath mentions as a disqualification any fact or circumstance which is not a disqualification according to the provisions of this Act, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Elector
refusing
oath not
entitled
to vote.

(2) No elector who has refused to take any oath or affirmation or to answer any question, as by this Act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling place.

41. (1) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person shall, upon taking an oath in Form No. 39 and complying in all other respects with the provisions of the Act, be entitled to receive a ballot and to vote.

Name,
address and
occupation
correspond-
ing closely
to another.

May vote
on taking
oath.

(2) In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Entries in
poll book.

42. The poll clerk shall

- (a) make such entries in the poll book, as the deputy returning officer, pursuant to any provision of this Act, directs; and
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted"; and
- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector, to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer," opposite the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Entries in
poll book.

Issue of and Voting on Transfer Certificate.

43. (1) At any time between the close of nominations and the opening of the poll on polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter polling station.

Issue of
transfer
certificates
to agents of
candidates.

(2) Every person appointed agent for a candidate, who has obtained a transfer certificate from the returning officer or the election clerk shall, before being allowed to vote by virtue of such certificate, take the oath in Form No. 41 before the deputy returning officer, and such oath, together with the transfer certificate attached, shall be surrendered to the deputy returning officer before whom it is sworn.

Oath of
agent voting
on transfer
certificate.

Transfer
certificate
for
candidate.

(3) Any candidate whose name appears upon the list of electors for any polling station shall be entitled at his request to receive a transfer certificate entitling him to vote in any specified polling station instead of that upon the list of electors for which his name appears.

Transfer
certificates
for deputy
or poll clerk.

(4) The returning officer or the election clerk may also issue a like transfer certificate to any person whose name appears on the official list of electors for any polling station and who has been appointed to act as deputy returning officer or poll clerk at any polling station in the electoral district other than that at which such person is entitled to vote.

Condition.

(5) No transfer certificate issued to any election officer or agent for a candidate under this section shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the said certificate at the polling station therein mentioned.

Limitation.

(6) No returning officer or election clerk shall together issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

Signing,
numbering
and
recording
transfer
certificate.

(7) The returning officer or the election clerk by whom any transfer certificate is issued (*a*) shall fill in and sign such certificate and mention thereon the date of its issue, (*b*) shall consecutively number every such certificate in the order of its issue, (*c*) shall keep a record of every such certificate in the order of its issue on the form prescribed by the Chief Electoral Officer, (*d*) shall not issue any such certificate in blank, and (*e*) shall, whenever possible, send a copy of the transfer certificate issued to the deputy returning officer for the polling station on the list for which appears the name of the person to whom such certificate has been issued.

Entry in
poll book.

(8) In every case of a vote polled under authority of this section the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under a transfer certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station.

Secrecy.

Secrecy
during and
after poll.

44. (1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no candidate, officer, clerk, agent or other person shall,

Interfering
with voter
marking
ballot.

(*a*) at the polling station interfere with, or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the

candidate for whom any elector is about to vote or has voted; or

- (b) at the counting of the votes attempt to ascertain the numbers on the counterfoil of any ballot paper; or Taking number of ballot on count.
- (c) at any time communicate, except to a court or judge lawfully requiring him so to do, any information as to the number on the back of the ballot paper given to any voter who has voted pursuant to subsections five and six of section forty-five of this Act. Giving number of ballot at any time.
- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so cast his vote; or Inducing voter to display ballot.
- (e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any elector at such polling station is about to vote or has voted; or Vote not to be disclosed.
- (f) at such counting attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. Secrecy respecting counting of votes.
- (2) No elector shall, except when unable to vote in the manner prescribed by this Act on account of inability to read, blindness or other physical incapacity Secrecy at the poll.
- (a) upon entering the polling station and before receiving a ballot paper, openly declare for whom he intends to vote; or
- (b) show his ballot paper, when marked, so as to allow the name of the candidate for whom he has voted to be known; or
- (c) before leaving the polling station, openly declare for whom he has voted.
- (3) Every person who contravenes or fails to observe any provision of this section is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. Penalty for violation.
- (4) It shall be the duty of the deputy returning officer to draw the attention of any elector who has contravened the provisions of subsection two of this section to the offence that he has committed and to the penalty to which he has rendered himself liable, but such elector shall nevertheless be allowed to vote in the usual way. Procedure in case of violation of secrecy at the polls.

Manner of Voting.

Ballot
paper to be
initialled.

Counterfoil
to be
numbered.

Instructions
to elector on
receiving
ballot paper.

Mode of
voting.

Spoiled
ballot paper.

Elector in
whose name
another
has voted.

45. (1) Voting shall be by ballot. Each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has previously put his initials so placed as indicated in Form No. 32 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to the consecutive number given to the elector and entered in the poll book opposite the name of such elector.

(2) The deputy returning officer shall instruct the elector how and where to affix his mark, and shall properly fold the elector's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the elector intends to vote, except when the elector is unable to vote in the manner prescribed by this Act on account of inability to read, blindness or other physical incapacity.

(3) The elector on receiving the ballot paper, shall forthwith proceed into one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the white space containing the name of the candidate or of each of the candidates for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the numbers on the counterfoil can be seen without opening it, and hand the paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the elector and if the same he shall forthwith in full view of the voter and all others present, remove and destroy the counterfoil and deposit the ballot in the ballot box.

(4) An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall restore it to the deputy returning officer, who shall deface it in such manner as to render it a spoiled ballot. The deputy returning officer shall then deliver another ballot paper to the elector.

(5) Subject to all other provisions of this Act as to proof of qualification as an elector and the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in Form No. 42, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

(6) In such case, the deputy returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book

Ballot paper
initialled
and
numbered.

(a) the name of such voter;

Entry in
poll book.

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of any and of which of the candidates.

(7) The deputy returning officer on the application of any elector who is unable to read, or is incapacitated, from any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the elector making such application to make oath in Form No. 43 of his incapacity to vote without assistance, and shall thereafter assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot in the ballot box.

Elector
unable to
mark his
ballot paper.

Oath.

(8) The deputy returning officer shall either deal with a blind elector in the same manner as with an illiterate or otherwise incapacitated elector, or, at the request of any blind elector who has taken the oath in Form No. 43, and is accompanied by a friend, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him. No person shall at any election be allowed to act as the friend of more than one blind elector.

Blind
elector's
ballot
marked
by friend.

(9) Any friend who is permitted to mark the ballot of a blind elector as aforesaid shall first be required to take an oath in Form No. 44, that he will keep secret the name or names of the candidate or candidates for whom the ballot of such blind elector is marked by him, and that he has not already acted as the friend of a blind elector for the purpose of marking his ballot paper at the pending election.

Oath of
friend.

(10) Whenever any elector has had his ballot paper marked as provided in the next three preceding subsections, the deputy returning officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Entry in
poll book.

(11) Whenever the deputy returning officer does not understand the language spoken by any elector that officer shall appoint and swear an interpreter, who shall be the means of communication between him and the elector with

Interpreter
to be sworn.

No
interpreter,
no vote.

reference to all matters required to enable such elector to vote, and in case no interpreter is found, such elector shall not be allowed to vote.

No delay
in voting.

(12) Every elector shall vote without undue delay and shall quit the polling station as soon as his ballot paper has been put into the ballot box.

Electors
present
at hour of
close of poll
allowed
to vote.

(13) If at the hour of closing of the poll there are any electors in the polling station or in line at the door, who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, before the outer door of the polling station is closed, but no one not actually present at the poll at the hour of closing shall be allowed to vote, even if the poll is still open when he arrives.

Vote by Elector whose Name is not Entered in the Official List of Electors for a Rural Polling Division.

Manner of
voting, by
qualified
elector whose
name is not
on the list
in a rural
polling
division.

46. (1) Subject as herein provided, any person who is qualified to vote in the electoral district, in which an election is pending, and is, on polling day, resident in a rural polling division may, notwithstanding that his name does not appear on the official list of electors for such rural polling division, vote at the appropriate polling station established therefor.

Conditions.

(2) Any such person as is in the last preceding subsection described shall be entitled to vote only

(a) upon his being vouched for by an elector whose name appears on the official list of electors for such rural polling division and who is ordinarily resident therein, and personally attends with him at the polling station and takes an oath in Form No. 46, and

(b) upon himself taking an oath in Form No. 45.

Entries in
poll book.

(3) The poll clerk shall make such entries in the poll book, as the deputy returning officer directs him to make, including the name of the elector, who vouched for the applicant elector, and as are required by any provision of this Act.

Time to Employees for Voting.

Employers
to give em-
ployees two
additional
hours for
voting.

47. (1) Every employer shall, on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.

(2) This section shall extend to railway companies and their employees, excepting such employees as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains.

Railway
companies.
Exception.

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the additional hours for voting, as in this section provided, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for
refusing, etc.,
extra hours
for voting.

Peace and Good Order at Elections.

48. (1) Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may

Returning
officer and
deputy to be
conservators
of peace.

(a) require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and

May
demand
assistance.

(b) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and

Arrest
disturbers.

(c) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

Imprison
disturbers.

(2) If a person is charged at a polling station with having committed or attempted to commit the offence of personation, or having voted or attempted to vote knowing that he was for any reason disqualified, non-qualified, or incompetent to vote at such election, the deputy returning officer at such polling station, if requested so to do by the poll clerk or an agent or elector representing a candidate, shall take the information on oath of the person making the charge; and such information may be taken in Form No. 47 or in Form No. 48, as the case may be.

Summary
proceedings
in case of
personation.

(3) If the person against whom it is proposed to lay the information has not left the polling station the deputy returning officer shall, either on his own motion or at the request of any one proposing forthwith to lay such information, detain or direct the detention of such person until a written information can be drawn up.

Detention
of alleged
personator.

Warrant
of arrest.

(4) Upon receiving the information the deputy returning officer shall, on polling day, but not afterwards, issue his warrant, in Form No. 49 or in Form No. 50, as the case may be, for the arrest of the person charged, in order that he may be brought before the magistrate, or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

Execution
of warrant.
R.S. c. 36.

-(5) Such warrant shall be sufficient authority for any peace officer, as defined by the *Criminal Code*, to detain such person until he is brought before the magistrate.

If name of
alleged
personator
is unknown.

(6) If the correct name of the person charged is unknown to the informant, it shall be sufficient, in the information and other proceedings, to describe the person charged as a person whose name is to the informant unknown but who is detained under the order of the deputy returning officer; or, the person charged may be described in such other manner as will suitably identify him; and, when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.

Constables
in cases of
personation.

(7) Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act respecting summary proceedings in cases of personation; and every deputy returning officer shall appoint such special constables as he deems necessary for the like purpose, who shall have full power to act without taking any oath.

Special
constables.

Jurisdiction
of magistrate.
R.S. c. 36.

(8) The magistrate named in any such warrant shall be one having jurisdiction under that part of the *Criminal Code* relating to the summary trial of indictable offences and shall be the nearest magistrate available in the county or judicial district.

Application of
Criminal
Code.

R.S. c. 36.

(9) The provisions of the said part of the *Criminal Code* shall apply to all proceedings under this Act, against any person or persons accused of personation under the seven subsections last preceding.

Appointment
and oath of
a constable
at a polling
station.

(10) Any deputy returning officer may appoint a constable to maintain order in his polling station throughout polling day. This authority, however, shall not be exercised unless the services of such constable are deemed absolutely necessary. A constable may be appointed only when there is actual or threatened disorder, or when it is likely that a large number of electors will seek to vote at the same time. Generally, the appointment of one constable shall be made where more than one polling station is established in the same building or in adjoining buildings for a given polling division, to ensure the successive and prompt entrance of the electors into their proper polling station.

Constables shall be appointed and sworn in on Form No. 51, which shall be printed in the poll book. Every deputy returning officer who has appointed a constable, shall state his reasons for making such appointment in the space provided for that purpose on the polling station account.

49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Strangers
not to enter
polling
districts
armed.

(2) The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

Demand
that
weapons be
delivered up.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election.

Loud
speakers,
ensigns,
banners, etc.,
prohibited
on polling
day.

(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as

Flags,
ribbons or
favours not
to be
furnished
or worn.

the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within eight days before such day.

Liquor not
to be sold
or given on
polling day.

(5) No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election.

Penalty.

(6) Every person who violates, contravenes, or fails to observe any of the provisions of this section is guilty of an indictable offence against this Act, punishable as in this Act provided.

Counting and Reporting the Votes.

Counting
the votes by
the deputy
returning
officer.

50. (1) Immediately after the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two electors if none of the candidates are represented, the deputy returning officer shall, in the following order,

- (a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling station is" (stating the number), and sign his name thereto;
- (b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;
- (c) count the unused ballot papers undetached from the books of ballot papers, place them with all the stubs of all used ballots in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers;
- (d) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;
- (e) open the ballot box and empty its contents upon a table;
- (f) count the number of votes given to each candidate on one of the tally sheets supplied, giving full oppor-

tunity to those present to examine each ballot paper. The poll clerk and as many as three witnesses shall be supplied with a tally sheet upon which they may keep their own score as each vote is called out by the deputy returning officer.

(2) In counting the votes the deputy returning officer shall reject all ballot papers Rejection
of ballots.

(a) which have not been supplied by him; or

(b) which have not been marked for any candidate; or

(c) on which votes have been given for more candidates than are to be elected; or

(d) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

(3) If, in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the deputy returning officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove and destroy such counterfoil. He shall not reject the ballot merely by reason of his former failure to remove the counterfoil. Nothing in this subsection contained, however, shall relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to remove and destroy the counterfoil at the time of the casting of the vote to which it relates. Counterfoils
remaining
attached.

(4) If, in the course of counting the votes, the deputy returning officer discovers that he has omitted to affix his initials to the back of any ballot paper, as provided by subsection one of section forty-five of this Act, and as indicated in Form No. 32, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to such ballot paper, and shall count such ballot paper as if it had been initialled by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by clause (d) of subsection one of this section. Nothing in this subsection contained, however, shall relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of any ballot paper before handing it to the elector. Ballots not
initialled by
deputy
returning
officer.

(5) The deputy returning officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall Objections
to ballot
papers.

Objection to
be numbered.

Duties after
counting
the votes.

Disposition
of ballot
papers.

Oaths by
deputy
and poll
clerk.

Statement
of the poll
by deputy.

Documents
enclosed in
ballot box.

decide every question arising out of the objection; the decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

(6) All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(7) The deputy returning officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in Forms Nos. 52 and 53 which shall remain attached to the poll book.

(8) The deputy returning officer shall make the necessary number of copies of the statement of the poll in Form No. 54, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer and one copy for the returning officer, which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deposit by itself in the ballot box; and he shall also deliver one copy of such statement of the poll to each of the candidates' agents, or, in the absence of such agents, to the electors present representing the candidates, and shall mail one copy to each candidate, in the special envelope provided for the purpose, to his address as stated on the ballot paper.

(9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box with (but not enclosing) the envelope containing the statement of the poll prepared for the returning officer and referred to in the next preceding subsection. The ballot box shall then be locked and sealed with the seal of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such

person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in Form No. 55.

(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under the next following subsection the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof, the preliminary statement of the poll and the polling station account shall likewise be transmitted at the same time.

Ballot box, key, preliminary statement of the poll and account to be delivered to returning officer.

(11) The returning officer may direct that the ballot boxes shall be returned to him by parcel post, registered, and any ballot box addressed to any returning officer on or subsequent to polling day by his title as such, or with the addition of his name, shall, when posted in Canada, be carried free in the Canadian mails as registered matter.

Ballot boxes delivered free of postage.

(12) If any deputy returning officer shall omit to enclose within the ballot box, and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer; and the returning officer shall not issue any warrant in payment of the services of such deputy returning officer if it appears that the omission was made by reason of any want of good faith on the part of the deputy returning officer.

Penalty for failure to enclose necessary documents.

Proceedings of Returning Officer after Return of Ballot Boxes.

Custody of ballot boxes.

51. (1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation for the final addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the statements therein contained, add together the number of votes given for each candidate.

Opening of boxes and addition of votes.

(3) If at the final addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such final addition of the votes has been completed.

Attendance of electors in certain cases.

Special power of returning officer when statement of poll is missing.

(4) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as hereinbefore provided, the returning officer may, for the purpose of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers. If the power hereby conferred is exercised, all the papers, other than the statement of the poll, if found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him. Nothing in this subsection shall authorize the opening of any envelope appearing to contain only ballot papers, cast for the various candidates, but in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

Declaration of election.

(5) The candidate who, on such final addition of the votes, is found to have the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his agent, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

(6) Whenever on such final addition of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared elected, the returning officer shall give such additional vote.

Adjournment if ballot boxes are missing.

52. (1) If the ballot boxes are not all returned on the day fixed for the final addition of the votes given to the several candidates the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such final addition of the votes.

Adjournment for other causes.

(2) In case the statement of the poll cannot be found and the number of votes polled for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the final addition of the votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Provision in case of loss of ballot boxes.

(3) If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming within the time fixed by this Act, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other persons having them, a copy of the statement of the poll furnished to the

candidates or their agents as required by this Act, the whole verified on oath.

(4) If such statement of the poll, or copies thereof cannot be obtained, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations; and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

If statement of the poll cannot be obtained.

(5) In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the poll, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of such deputy returning officer, and, to that end, shall have the powers set out in the next preceding subsection.

Duty of returning officer if statement not in ballot box.

(6) In any case arising under the last three preceding subsections, the returning officer shall declare elected the candidate appearing to have the largest number of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Return of candidate appearing to have majority.

(7) Any person refusing or neglecting to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations, shall be guilty of an indictable offence against this Act punishable as in this Act provided.

Penalty for not obeying summons of returning officer.

53. (1) After the close of the election the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the officer in charge of a federal building, if any, at the place at which the final addition of the votes was held, or if none, of the postmaster at such place, or of the sheriff of any county or district, or the registrar of deeds of any county or registration division, included, or in part included, in the electoral district.

Custody of ballot boxes.

(2) Upon delivery to him of such ballot boxes, padlocks and keys the custodian shall issue his receipt and shall at the next ensuing election, upon request, deliver the said ballot boxes, padlocks and keys to the returning officer to whom the writ is directed, taking such returning officer's receipt.

Receipt.

Recount by Judge.

Application
for recount
by judge.

54. (1) If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a credible witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of ballots cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate declared elected, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes.

Meaning of
"the judge."

(2) The judge to whom applications under this section may be made shall be the Judge as defined in subsection fifteen of section two of this Act within whose judicial district is situate the place whereat the declaration of the election was made, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

Procedure
when
applications
for recount
in two or
more
districts
are made.

(3) If applications for a recount of the votes in two or more electoral districts are made under this section to the same judge, such judge shall first proceed with the recount in the electoral district in respect of which the first application is made to him, and successively with the recounts in the electoral district or districts in respect of which applications were later made, and all such recounts shall proceed continuously from day to day until the last of them has been completed.

Notice and
service.

(4) The judge shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes, and he may at the time of the application or afterwards, decide and announce that service of the notice will be substitutional, or by mail or by posting, or in any other manner.

Order of
judge to
returning
officer.

(5) Such judge shall also summon and command the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, with respect to or in consequence of which such recount is to take place, which summons and command the returning officer and election clerk shall obey, and they shall attend throughout the proceedings, at which proceedings each candidate shall be entitled to be present and to be represented by not more than three agents appointed to attend.

Who may be
present at
recount.

(6) In case any candidate is not present or represented, any three electors who may demand to attend in his behalf shall be entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount.

If candidate not represented, authority of judge.

(7) At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such recount from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers, and he shall not open any other envelopes containing other documents.

Making recount.

Opening sealed packets of ballots.

(8) In the case of a recount, the judge shall recount the votes according to the directions in this Act set forth for deputy returning officers at the close of the poll, and shall verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and he shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper statements of the poll were not found therein, and for the purpose of arriving at the facts as to such missing box and the statements of the poll, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case of non-attendance shall be subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

Mode of proceeding with the recount.

Powers of judge.

(9) If in the course of the recount any ballot paper is found with the counterfoil still attached thereto, the judge shall remove and destroy such counterfoil. He shall not reject the ballot by reason merely of the deputy returning officer's failure to remove the counterfoil, nor shall he reject any ballot paper by reason merely of the deputy returning officer's failure to affix his initials to the back of such ballot paper.

Where counterfoil is attached.

(10) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary recess for refreshment, and excluding, except as he shall otherwise openly direct, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Proceedings to be continuous.

(11) During such recess or excluded time the ballot papers and other documents shall be kept enclosed in parcels under the seals of the judge and of such other of the said persons as desire to affix their seals thereto.

During excluded time documents to be under seal.

Supervision
of sealing.

(12) The judge shall personally supervise such parcelling and sealing and take all necessary precautions for the security of such papers and documents.

Declaration
of election
after
recount.

(13) The judge shall thereupon declare the recount at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes; such declaration shall be communicated to candidates, in the same way as the prior declaration made under subsection five of section fifty-one of this Act, and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.

Equality
of votes.

(14) In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection six of section fifty-one of this Act, shall have and shall cast another or deciding vote.

Costs.

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall

(a) order the costs of the candidate appearing to be elected to be paid by the applicant;

To be taxed.

(b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposal of
deposit;
action for
balance.

(16) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is insufficient the party in whose favour the costs are awarded shall have his action for the balance.

Procedure if the Judge fails to Comply.

Failure of
judge to act.

55. (1) Except in the Yukon Territory, in case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect of the recount, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application—

Remedy.

(a) in the province of Ontario, to a judge of the High Court division of the Supreme Court;

(b) in the provinces of Quebec, Manitoba or Saskatchewan, to a judge of the Court of King's Bench;

(c) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, or Alberta, to a judge of the Supreme Court of the province.

Application
upon
affidavit.

(2) Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect.

Order of
judge.

(3) The judge to which the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing the time, within eight days, and

a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper.

(4) If the circumstances appear to the judge to warrant it, he may direct that service upon any such parties may be substitutional, or by mail or by posting, or in any other manner.

Service
of notice.

(5) The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court of the judge to whom the application is made, affidavits in reply to those filed by the applicant, and, upon demand, shall furnish the applicant with copies thereof.

Affidavits
may be filed.

(6) At the time and place appointed by the judge or at any other time and place to which the hearing may be adjourned, after hearing the parties, or such of them as are present, or their counsel, the judge or some other judge of the same court shall make such order as the facts of the case in the opinion of the judge warrant, either dismissing the application or ordering the judge in default to take such action as is necessary in order to comply with the requirements of this Act in respect of the recount and to proceed with and complete such recount and the judge may make such order as to costs as he thinks proper.

Order of
court after
hearing.

Costs.

(7) A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by such order as for costs in ordinary cases in the court to which the judge making such directions or order belongs.

Judge to
obey order.

(8) In the event of a return to the writ of election having been, at the time of issue of an order under this section, made by the returning officer to the Chief Electoral Officer under the provisions of the next following section, the Chief Electoral Officer shall, upon being furnished with a certified copy of such order, send back to the returning officer all election papers required for use on the recount. Upon receiving the judge's certificate of the result of the recount, the returning officer shall as hereinbefore provided make and give due notice of a fresh declaration of the election which shall replace any previous declaration, and if the result of the recount is that some person other than the person named in the original return is certified to be returned a second return to the writ shall be made by the returning officer and shall be dealt with in all respects in the same way as, and shall have the effect of cancelling, the original return; if, however, the result of the recount is to confirm the

Fresh
declaration
by returning
officer if
required as
result of
recount.

Not required
if original
return con-
firmed.

original return the returning officer shall forthwith send back the papers to the Chief Electoral Officer, but shall not make any second or substitute return to the writ of election.

Election Return.

Return of
candidate
elected.

56. (1) The returning officer, immediately after the sixth day next following that upon which he has made the final addition of or ascertained the number of votes given for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount by such judge of the votes given at the election, and, where there has been a recount by the judge, immediately thereafter, shall transmit by registered mail to the Chief Electoral Officer:

- (a) the election writ with his return in Form No. 56 endorsed thereon that the candidate having the majority of votes has been duly elected;
- (b) a report of his proceedings in the form prescribed by the Chief Electoral Officer;
- (c) the recapitulation sheets, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from his deputy returning officers;
- (d) the statements of the polls from which the final addition of the votes was made;
- (e) the reserve supply of undistributed blank ballot papers;
- (f) the enumerators' record books used in urban polling divisions;
- (g) the index books prepared by enumerators in rural polling divisions;
- (h) the revising officers' records and other papers relating to the revision of the lists of electors in urban polling divisions;
- (i) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by section fifty of this Act, and containing the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates; and
- (j) all other documents used for the election.

(2) In case of such receipt of notice of recount the returning officer shall delay transmission of such return and report until he shall have received from the judge a certificate of the result of such recount, whereupon he shall transmit the same in manner hereinbefore directed.

Return not to be made until certificate of judge received.

(3) The returning officer shall forward to each of the candidates a duplicate or copy of the return to the writ made by him.

Duplicate of return to each candidate.

(4) A premature return shall be deemed not to have reached the Chief Electoral Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction. The Chief Electoral Officer may, moreover, send back to the returning officer any return which does not comply in any respect with the provisions of this Act.

If return is irregular.

(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received, and shall also forward to the Auditor General a certified statement of the number of votes cast for each candidate in each electoral district and when the Auditor General has satisfied himself that pursuant to subsection thirteen of section twenty-one of this Act a candidate is entitled to the return of his deposit the Auditor General shall return it accordingly.

Notice of return in *Canada Gazette*.

Statement to Auditor General.

Return of deposit.

(6) The Chief Electoral Officer shall, immediately after each general election, cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the list of electors, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

Reports by Chief Electoral Officer.

57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, shall forfeit to the person aggrieved the sum of fifteen hundred dollars and costs in addition to all damages sustained.

Penalty for delay, neglect or refusal of returning officer to return elected candidate.

Report of Chief Electoral Officer.

Report of
Chief
Electoral
Officer to
Speaker of
House of
Commons.

58. (1) The Chief Electoral Officer shall before or within ten days after the commencement of any session of Parliament make a report to the Speaker of the House of Commons as to any matter or event which has arisen or occurred in connection with the administration of his office in the interval since the date of his next preceding report and which he considers should be brought to the attention of the House, and he shall in such report suggest what, if any, amendments are, in his opinion, desirable for the more convenient administration of the law.

Complaints
to Chief
Electoral
Officer.

(2) Every candidate at any election and every official agent of any candidate shall have the right to send to the Chief Electoral Officer in writing any complaint he may have to make with respect to the conduct of the election or of any election officer, and to suggest any such changes or improvements in the law as he may consider desirable; every such complaint or statement shall be included by the Chief Electoral Officer in his next following report to the Speaker of the House of Commons, with such recommendation, if any, as he may see fit to make thereon.

Submission
to House of
Commons.

(3) Any report received from the Chief Electoral Officer by the Speaker shall be forthwith submitted by him to the House of Commons.

Custody of Election Documents by Chief Electoral Officer.

Chief
Electoral
Officer to
retain
election
documents.

59. (1) The Chief Electoral Officer shall retain in his possession the election documents or election papers, as defined by subsection seven of section two of this Act, transmitted to him by any returning officer, with the return to the writ, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contestation.

Inspection
of election
documents.

(2) No such election documents or election papers in the custody of the Chief Electoral Officer shall be inspected or produced except under a rule or order of a Superior Court or a judge thereof which, if and when made, the Chief Electoral Officer shall obey.

Order of
court.

(3) Such rule or order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such election documents or election papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition which has been filed questioning an election or return.

Conditions of
inspection.

(4) Any such rule or order for the inspection or production of election documents or election papers may be

made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge deems expedient.

(5) All other reports or statements received from election officers, all instructions issued by the Chief Electoral Officer pursuant to the provisions of this Act, all decisions or rulings by him upon points arising thereunder, and all correspondence with election officers or others in relation to any election shall be public records, and may be inspected by any person upon request during business hours. Inspection of instructions, correspondence and other reports.

(6) Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of such certified copies at the rate of ten cents per folio of one hundred words. Extracts.

(7) Any such copies purporting to be certified by the Chief Electoral Officer under his hand shall be receivable in evidence without further proof thereof. Evidence.

Fees and Expenses of Election Officers.

60. (1) Upon the recommendation of the Chief Electoral Officer, the Governor in Council may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff. Tariff of fees and expenses.

(2) A copy of any such tariff and of any amendment thereof shall be laid before the House of Commons within the first fifteen days of the next ensuing session of Parliament. Copy to House of Commons.

(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:— Mode of payment of fees and expenses.

(a) in polling stations other than advance polling stations, the fees or allowances, fixed by the tariff for the personal services of deputy returning officers and poll clerks, and for the rental of polling stations, shall be paid direct to each claimant by special warrants drawn on the Auditor General and finally issued by the returning officer for each electoral district. The necessary blank warrants shall be furnished to each returning officer by the Chief Electoral Officer on requisitions received by him from returning officers not earlier than polling day. Such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, shall be negotiable without charge at any chartered bank in Canada. Immediately after the final addition of the votes has been held, every returning officer shall fill in the necessary blank spaces By special warrants in certain cases.

in the warrants, affix his signature thereon and despatch the warrants by mail to the deputy returning officers, poll clerks and landlords of polling stations entitled to receive them;

By separate
cheques in
other cases.

(b) all claims made by other election officers, including enumerators, revising officers, advance polling station officers, and constables, and the various other claims, shall be paid by separate cheques issued from the office of the Auditor General at Ottawa, and sent direct to each person entitled to payment;

Payment of
election
accounts in
Yukon.

(c) in the electoral district of Yukon, all accounts for fees, costs, allowances and expenses relating to the holding of an election, including the fees and allowances of deputy returning officers, poll clerks and landlords of polling stations, shall be paid in accordance with regulations made by the Auditor General.

Certificate
of returning
officer.

(4) The returning officer shall certify for payment all accounts submitted by him to the Auditor General, and shall be responsible for their correctness.

Duties and
responsibili-
ties of
returning
officer
re accounts.

(5) The returning officer shall exercise special care in the certification of enumerators' accounts. Any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses. In all such cases, the returning officer shall not certify the enumerator's account, but shall send it forward uncertified to the Auditor General with a special report attached thereto stating the relevant facts. The Auditor General shall not pay any urban enumerator's account until after the revision of the list has been completed.

Fees, etc.,
may be
increased by
Governor in
Council.

(6) Whenever it shall appear to the Governor in Council that the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, or that any claim for any necessary service performed, or for materials supplied for or at an election, is not covered by such tariff, he may authorize the payment of such sum or additional sum for such services or materials supplied as is considered just and reasonable.

Payment of
printing and
supplies for
general
election.

(7) Any expenses incurred by the Chief Electoral Officer for printing election material and for the purchase of election supplies shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

How
disagree-
ments as to
taxation
of expenses
settled.

61. (1) The Auditor General shall, in accordance with this Act, tax and pay all election expense accounts; and any disagreement between the Auditor General and any claim-

ant shall be referred to the Chief Electoral Officer and he shall either confirm the action of the Auditor General or, if he disagrees, then, if the question involves only the legal right of a person claiming payment to be paid at all, it shall be referred to and be finally resolved by the Treasury Board; or if the question involves only the fairness of the amount payable to any person with relation to the services or materials supplied, it shall be referred to and shall be finally resolved by the Secretary of State.

(2) Notwithstanding anything in this section contained, the rights, if any, of all claimants to compel payment or further payment by process of law shall remain unimpaired.

Rights
saved.

Official Agent and Election Expenses of Candidates.

62. (1) Every candidate shall appoint an official agent, in this Act termed "the official agent," whose name, address and occupation shall be declared to the returning officer, in the nomination paper in Form No. 24, by or on behalf of the candidate, on or before nomination day and shall be published in the Notice of Grant of a Poll in Form No. 27.

Appointment
of official
agent.

(2) In the event of the death or legal incapacity of any such agent, the candidate shall forthwith appoint another, making a similar declaration in writing to the returning officer.

Case of
death or legal
incapacity
of official
agent.

(3) No returning officer, deputy returning officer or election clerk or the partner or clerk of either of them, shall be eligible to act as the official agent for any candidate in the management or conduct of his election, and if any such officer shall so act he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Election
officers
ineligible
as official
agents.

(4) Subject to the subsequent provisions of this section, no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any agent on behalf of a candidate or by any other person, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the official agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as contribution, gift, loan, advance, deposit or otherwise, shall be paid to the official agent and not otherwise: provided that this subsection shall not be deemed to apply to payment

No
payment
to be
made except
through
official agent.

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding one thousand dollars; or

(b) by any person, out of his own money, for any small expense legally incurred by him, if no part of the sum so paid is repaid to him.

Penalty for
contraven-
tion.

(5) Every person who makes any payment, advance or deposit in contravention of the immediately preceding subsection, or pays in contravention thereof any money so provided as aforesaid is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

No action
against
candidate
unless
contract
made by
himself or
official agent.

(6) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate unless made by the candidate himself or by his official agent or by a sub-agent of the official agent thereto authorized in writing: provided that inability to enforce such contract against the candidate shall not relieve him from the consequences of any corrupt or illegal practice having been committed by his agent.

Proviso.

Bill of
particulars.

(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

Claims to
be sent in
within one
month, or
rights to be
barred.

(8) All persons who have any bills, charges or claims upon any candidate for or in relation to any election shall send in such bills, charges or claims within one month after the day on which the candidate returned has been declared elected, to the official agent of the candidate, or, if such agent is dead or legally incapable, to the candidate in person; otherwise such persons shall be barred of the right to recover such claims or any part thereof.

If no agent.

Penalty for
illegal
payment.

(9) Subject to such exception as may be allowed in pursuance of this Act, an official agent who pays a claim in contravention of this enactment is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Death of
claimant.

(10) In the event of the death, within such month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in the bill, charge or claim within one month after his obtaining probate or letters of administration, or of his becoming otherwise able to act as legal representative; otherwise the right to recover such bill, charge or claim shall be barred as aforesaid.

Payment
within
fifty days.

(11) All expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within fifty days after the day on which the candidate returned was declared elected, and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an official agent who makes a payment in contravention of this provision is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for
contraven-
tion.

(12) Notwithstanding anything in this section contained cause being at any time shown to the satisfaction of a judge competent to recount the votes given at the election, such judge, on application by the claimant, or by the candidate or his official agent, may by order give leave for the payment by a candidate through his official agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although sent in to the candidate and not to the official agent.

Payment of lawful claims sent in after time prescribed.

(13) Where an election court reports that it has been proved by a candidate that any payment made by an official agent in contravention of this section was made without the sanction or connivance of such candidate the election of such candidate shall not be void nor shall he be subject to any incapacity by reason only of such payment having been made in contravention of this section.

Election not void in certain cases in consequence of illegal payment.

(14) If the official agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of fifty days after the day on which the candidate returned was declared elected, the claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the same in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act requiring claims to be paid by the official agent.

Action for recovery in claims deemed disputed.

Payment in pursuance of judgment deemed exception.

(15) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding one thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent.

Candidate's personal expenses up to \$1,000.

(16) The candidate shall send to his official agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid by such candidate.

Written statement of personal expenses.

(17) Any person may, if so authorized in writing by the official agent, pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the official agent.

Petty expenses.

(18) A statement of the particulars of payments made by any person so authorized shall be sent to the official agent within the time limited by this Act for the sending in of claims and shall be vouched for by a bill containing the receipt of that person.

Statement of particulars and vouchers.

Return of
election
expenses by
official
agent.

63. (1) Within two months after the candidate returned has been declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in Form No. 57, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of

- (a) all payments made by the official agent, together with all the bills and receipts, which bills and receipts are in this Act included in the expression "return respecting election expenses";
- (b) the amount of personal expenses, if any, paid by the candidate;
- (c) the disputed claims, so far as the official agent is aware;
- (d) the unpaid claims, if any, in respect of which application has been or is about to be made pursuant to subsection twelve of section sixty-two of this Act, so far as the official agent is aware;
- (e) all money, securities and equivalent of money received by or promised to the official agent by the candidate or any other person, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, naming every person from whom the same may have been received or by whom such promise was made, showing as to each sum whether it was received or merely promised, whether in money or otherwise and whether as contribution, loan, advance, deposit or otherwise.

Vouchers,
and
declaration
in Form No.
58.

(2) The return so transmitted shall include all bills and vouchers relative thereto and be accompanied by a declaration made by the official agent before a notary public or a justice of the peace in Form No. 58, which declaration is in this Act referred to as a declaration respecting election expenses.

Candidate's
declaration
in Form No.
59 or No. 60.

(3) Within ten weeks after the candidate returned has been declared elected, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by the candidate before a notary public or a justice of the peace in Form No. 59 or in Form No. 60, which declaration is in this Act referred to as a declaration respecting election expenses.

Supple-
mentary
return
in case of
death of
creditor.

(4) Whenever by reason of the death of a creditor no bill has been sent in within such period of two months, the official agent shall, within one month after such bill has been sent in, and likewise with respect to all payments approved by a judge pursuant to subsection twelve of section sixty-two of this Act of which the official agent is aware shall, within one week after such approval, as fully as possible, comply with the provisions of this section by means of a supplementary return.

(5) The returning officer, within ten days after he receives from the official agent any return or supplementary return respecting election expenses, shall publish at the expense of the candidate a summary thereof in the form prescribed by the Chief Electoral Officer, with the signature of the official agent thereto in one newspaper published or circulated in the electoral district wherein the election was held.

Publication of summary by returning officer.

(6) The returning officer shall preserve all such returns and declarations with the bills and vouchers relating thereto and at all reasonable times during six months next after they have been delivered to him shall permit any elector to inspect them and to make extracts therefrom on payment of a fee of twenty cents; and after the expiration of such six months' period, the documents may be destroyed, or, if after six months and before destruction the candidate or his official agent applies for their return, they shall be returned to the candidate.

Bills, etc., to be preserved.

After six months to be destroyed or returned.

(7) If the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of such time, sit or vote in the House of Commons as member until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit five hundred dollars with costs for every day on which he so sits or votes to any person who sues therefor.

Penalty for member sitting in contravention.

(8) If without such authorized excuse as in this Act mentioned a candidate or an official agent fails to comply with the foregoing requirements of this section, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Default in delivering statements.

(9) If any candidate or official agent knowingly makes a false declaration respecting election expenses he is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided.

Furnishing false statements.

(10) Where a candidate is out of Canada at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to Canada, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorized in making such declaration shall not exonerate the official agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

When candidate out of Canada at time of return.

Agent not exonerated.

(11) Where after the date at which the return respecting election expenses is transmitted leave is given pursuant to subsection twelve of section sixty-two of this Act, for any claims to be paid, the agent shall, within seven days after

Statement of payments in pursuance of leave and copy of judge's order.

the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the judge giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section.

When
return and
declaration
not
transmitted.

(12) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or, being transmitted, contain some error or false statement, then,

If on
account of
candidate's
illness, etc.

(a) if the candidate applies to a judge competent to recount the votes given at the election and shows that the failure to transmit such return and declarations or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his official agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

Or agent's
illness, etc.

(b) if the official agent of the candidate applies to the said judge and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior official agent of the candidate, or of the absence, death, illness or misconduct of any clerk or officer of an official agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant;

Judge may
allow
authorized
excuse.

the judge may, after such notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise as to the judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration as to the judge seems just.

Or may
order official
agent to
appear, and
make
return and
declaration,
or order
examination
of official
agent.

(13) Where it appears to the judge that any person being or having been an official agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his official agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the judge before making an order allowing the excuse as in this section mentioned shall order such person to attend before him, and on such person's attendance shall, unless such person shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the judge seems just, and to

make or deliver the same within such time and to such person and in such manner as the judge may direct, or may order such person to be examined with respect to such particulars, and if the person so ordered does not comply with such order he is guilty of an indictable offence against this Act punishable as in this Act provided.

(14) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the judge seems best calculated for carrying into effect the objects of this Act; and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequence under this or any other Act in respect of the matters excused by the order; and where it is proved by the candidate to the judge that any act or omission of the official agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the judge shall relieve the candidate from the consequences of such act or omission on the part of his official agent.

When order conditions relief of applicant or of candidate.

(15) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, shall for the purposes of this section be deemed the date of the allowance of the excuse.

Date of order deemed date of allowance.

Executory Contracts Void.

64. Every executory contract, promise or undertaking in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful Act, shall be void in law, but nothing in this section shall extend to or affect any executory contract, agreement, promise or undertaking by a candidate or the official agent of a candidate of which there is a memorandum or note in writing signed by such candidate or his official agent.

Executory contracts void.

Bribery, Treating, Undue Influence and Personation.

65. Every person is guilty of the corrupt practice of bribery and of an indictable offence against this Act punishable as in this Act provided, who

Penalty

(a) directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises, or promises to procure or to endeavour to procure, any money or valuable consideration, to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of such elector having voted or refrained from voting at any election; or

Giving money, etc., to procure votes.

Giving or
promising
employment.

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment, to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election; or

Gift or
promise in
order to
obtain
return of
any person.

(c) directly or indirectly, by himself or any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any other elector at any election; or

Procuring
return in
consequence.

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any elector at an election; or

Advancing
money to be
used in
bribery.

(e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

Demanding
bribe of
candidate
or agent.

(f) directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment, or for the promise of any office, place or employment; or

Receiving
money, etc.,
before or
during an
election.

(g) before or during any election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or

Or after an
election.

(h) after any election, directly or indirectly, by himself or by any other person in his behalf, receives any money or valuable consideration on account of such

or any other person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election; or

- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate or to withdraw, if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or to endeavour to procure any office, place or employment, for such person:

Bribery of candidates.

Provided always that the terms of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any expenses legally payable and *bona fide* incurred at or concerning any election, and provided that the actual personal expenses of any candidate and his expenses for professional services actually performed and for the fair cost of printing and advertising and for halls or rooms for the holding of meetings shall be held to be expenses legally payable.

Proviso as to legal expenses.

66. Every person is guilty of the corrupt practice of treating and of an indictable offence against this Act punishable as in this Act provided, who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

Treating of any person.

Treating of elector during election.

67. (1) Every person is guilty of the corrupt practice of undue influence and of an indictable offence against this Act punishable as in this Act provided, who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order

Undue influence.

to induce or compel such person to vote for any candidate, or to refrain from voting, or on account of such person having voted for any candidate or refrained from voting at any election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels or induces or prevails upon any elector either to vote for any candidate or to refrain from voting at any election.

False
pretence
interpreted.

(2) It shall be deemed a false pretence within the meaning of this section to represent to an elector, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret.

Personation
and sub-
ornation of
personation.

68. Every person is guilty of the corrupt practice of personation, and of an indictable offence against this Act punishable as in this Act provided, who at an election

(a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or

(b) having voted once at such election, applies at the same election for another ballot paper; or

(c) aids, abets, counsels, procures or endeavours to procure the commission by any person of personation as herein defined.

Penalty for
voting if
disqualified,
not
qualified or
incompetent.

69. Every one is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided who, at an election, votes or attempts to vote knowing that he is for any reason disqualified, non-qualified or incompetent to vote thereat.

Miscellaneous Offences.

Liability of
election
officers.

70. (1) Every election officer who omits to comply with the provisions of this Act shall be liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, shall on summary conviction, be liable to a penalty of not less than two hundred dollars nor more than five hundred dollars, unless, in either case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote, or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

(2) It shall be deemed to be a non-compliance with the provisions of this Act to do or omit to do any act which results in the reception of a vote which should not have been cast, or in the non-reception of a vote which should have been cast.

Non-compliance defined.

(3) The person instituting any proceedings leading to the conviction of any election officer under this section shall be entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the Chief Electoral Officer or unless the Chief Electoral Officer, at the request of the person by whom the proceeding was instituted has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

Moiety to prosecutor.

(4) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it shall be his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Inquiry into offences and power to take proceedings.

(5) The Chief Electoral Officer shall have the like powers in the case of any offence which it is made to appear to him to have been committed by any person under section seventeen, section twenty-two, section twenty-nine, subsections two and six of section forty-nine, subsection twelve of section fifty, subsection seven of section fifty-two or section seventy-two of the said Act.

Further powers.

(6) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Auditor General on the certificate of the Chief Electoral Officer out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Powers as commissioner under *Inquiries Act*.

R.S., c. 99.

71. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against

Printed documents to bear name, etc., of printer.

this Act punishable on summary conviction as in this Act provided, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

Removing
notices
forbidden.

72. (1) Any person unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors, or other document, authorized or required by this Act to be posted up, is guilty of an indictable offence against this Act and liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution, or to imprisonment for a term not exceeding two years with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith (in case only a fine and costs are imposed) or are not paid before the expiration of the term of imprisonment imposed (in case imprisonment, as well as fine and costs, is imposed), to imprisonment, with or without hard labour, for such term, or further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Copy of
subsection
one to be
printed on
documents
posted up.

(2) A copy of the immediately preceding subsection shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document, or printed or written as a separate notice and posted up near to such document and so that such notice can be easily read.

Conveyance
of electors
to polls,
etc., for hire
forbidden.

73. Every person who before, during or after an election directly or indirectly or by any means or device in attempted evasion of the following provisions,

(a) hires or in whole or in part, pays for, or promises to pay for, or solicits the hire or use for payment of any horse, team, carriage, cab, cart, wagon, automobile, sleigh, aeroplane, boat, vessel, or other means of conveyance; or

(b) lets to hire or demands, receives, or promises to accept payment for the hire or use of any such means of conveyance;

for the purpose of conveying or providing for the conveyance of any elector or electors who may intend to vote to or from the poll or any polling station, or to or from the neighbourhood thereof, is guilty of an illegal practice, and of an offence against this Act punishable on summary conviction as in this Act provided; but the *bona fide* payment by the elector himself of the usual fare or a reasonable charge for his conveyance to or from the poll or polling station shall not be deemed a contravention of this section.

Illegal
payments to
electors.

74. Every person who before, during or after an election, directly or indirectly or by any means or device in attempted evasion of the following provisions,

(a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or

Payment of fare to elector.

(b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by any elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof;

Payment of expenses, wages, etc., of electors forbidden.

is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

75. Every person who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for inducing persons to make false oath.

76. Any person who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election, or to refrain from voting, is guilty of an indictable offence against this Act punishable as in this Act provided.

Non-residents of Canada, forbidden to canvass.

77. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for publishing false statements to affect return of any candidate.

Penalties and Procedure.

78. (1) Any indictable offence against this Act may be prosecuted alternatively on indictment or by way of summary conviction.

Procedure.

(2) Any person who is guilty of any indictable offence against this Act is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the

Fines and other penalties for indictable offences.

expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Fines, etc.,
for non-
indictable
offences.

79. Any person, who is guilty of any non-indictable offence against this Act which is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months.

Disqualifi-
cation for
corrupt act.

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election; and he shall also in addition to any other punishment for such offence by this or any other Act prescribed, forfeit to any person who in any competent court shall therefore sue.

Additional
penalties.

- (a) for every offence which is a corrupt practice, the sum of two hundred dollars and costs; and
- (b) for every offence which is an illegal practice, the sum of one hundred dollars and costs.

Corrupt
or illegal
practices.

81. Any person, who

- (a) in any report made to the Speaker of the House of Commons on an election petition, is named as having been found guilty of any offence which is a corrupt or illegal practice, is reported to have been heard on his own behalf and is declared to be a person who should be expressly disqualified as hereinafter provided;
- (b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice or illegal practice; or
- (c) is, in any proceeding in which after notice of the charge he has had an opportunity of being heard, found guilty of any corrupt practice or of any illegal practice, or of any offence which is a corrupt practice or illegal practice;

Seven or five
years' dis-
qualification.

shall, in addition to any other punishment for such offence by this or any other Act prescribed be, for a corrupt practice

during the seven years or for an illegal practice during the five years, next after the date of his being so reported, convicted, ordered, or found guilty, incapable of being elected to or of sitting in the House of Commons or of voting at any election of a member of that House or of holding any office in the nomination of the Crown or of the Governor in Council.

82. No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence which is a corrupt practice or an illegal practice or be ordered to pay any sum as forfeited because of the commission of any corrupt practice, or illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

Candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge.

(a) the candidate in person;

(b) his official agent; or

(c) some other agent of the candidate with the candidate's actual knowledge and consent:

Provided that nothing in this section shall prevent the avoidance pursuant to the provisions of the *Dominion Controverted Elections Act*, of any election in consequence of the commission of any corrupt practice or illegal practice.

R.S., c. 50.

83. No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in sections twenty-two, thirty-eight, forty, forty-four, seventy-one, or seventy-seven of this Act unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

Election not voided unless illegal practices by candidate or agent.

(a) the elected candidate in person;

(b) his official agent; or

(c) some other agent of such candidate with such candidate's actual knowledge and consent:

Provided that nothing in this section shall be deemed to impair or affect the provisions of the *Dominion Controverted Elections Act*.

Proviso.

R.S., c. 50.

84. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time unless it appears to the tribunal having cognizance of the question that such non-compliance may have affected the result of the election, or as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing any nomi-

Non-compliance with Act not to invalidate election unless it affected result.

nation paper, or because of any error in the name, or omission of or error in the address or occupation of any candidate as stated on such nomination paper as received by a returning officer, or of any insufficiency in any publication of any proclamation, notice or other document, or any mistake in the use of the forms contained in this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance did not affect the result of the election.

Removal of
disqualifica-
tion procured
by perjury.

85. If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall therefore cease and determine; and it shall cease and determine accordingly.

Recovery of
penalties and
forfeitures.

86. (1) All penalties which are by this Act expressly made payable by way of forfeiture to any person aggrieved or to any person who sues therefor shall be recoverable or enforceable with full costs of suit by action of debt or information in any court of competent jurisdiction in the province in which the cause of action arises.

Imprison-
ment for
non-
payment.

(2) In default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid.

Security
for costs.

(3) No action or information for the recovery of any such penalty by way of forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs.

Allegations
in action.

(4) It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

Evidence of
husbands
and wives.

(5) In any such civil action, suit or proceeding, instituted under this Act, the parties thereto, and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject

to the same exceptions as in other civil suits in the same province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it.

(6) In any action, suit or proceeding instituted only for the recovery under this Act of a penalty imposed by way of forfeiture, if the right of any person (in this section referred to as "the voter") to vote, or to vote at any particular place, at an election, is questioned or involved, the burden of proof of the voter being entitled to vote, or to vote at such particular place, shall be upon the voter or such other person as is the accused or defendant in such action, suit or proceeding, and not upon the person suing or instituting the proceeding.

Burden of proof of justification.

87. No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election: Provided that no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

No privilege from answering questions.

Exception.

88. (1) It shall not be necessary, on the trial of a suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence.

Production of writ of election, etc., not required in suits.

(2) If the original election papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of such proceedings may, at the instance of any of the parties thereto, notify the Chief Electoral Officer to cause them to be produced on or before the day fixed for the trial; and the Chief Electoral Officer shall cause such election papers to be deposited with such clerk or registrar in such manner as the court or judge shall order.

If notified Chief Electoral Officer to produce election papers, etc.

89. (1) Any court of criminal jurisdiction before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution.

Criminal court may allow costs to prosecutor

Prior
recognizance
required.

(2) The court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.

Costs in
cases of
private
prosecution.

(3) In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given.

In a suit for
criminal
corrupt
practice,
what
allegation
sufficient.

90. (1) In an indictment or prosecution for a corrupt practice or an illegal practice, and in any action or proceeding for a penalty or by way of forfeiture for a corrupt practice, or an illegal practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this Act, or otherwise, as the case requires.

Evidence.

(2) In any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

Person
liable
summoned
to court.

91. (1) Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this Act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Penalty for
disobeying
summons.

(2) If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty to the imprisonment prescribed in such case by this Act.

Trial.

(3) If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

Appropriation of fines.

(4) All fines and penalties recovered under the next three preceding subsections shall belong to His Majesty for the public uses of Canada, but no fine or penalty shall be im-

posed thereunder if it appears to the court or judge that the person has already been sued to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

92. Notwithstanding anything in the *Criminal Code*, every prosecution for an offence against this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to any person aggrieved or to any person suing therefor, shall, when commenced, be proceeded with and carried on without wilful delay, and shall be commenced within the space of one year next after the day when the offence was committed or when such action, suit or proceeding might first have been brought or taken and not afterwards, unless the prosecution, action, suit or proceeding is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, in which case such prosecution, action, suit or proceeding may be commenced within one year after his return, or in case of a charge against a returning officer pursuant to section fifty-seven for wilful delay, neglect or refusal to return a candidate as elected, in which case such prosecution, suit or proceeding shall be commenced within six months after the conclusion of the trial of the petition relating to such action.

Limitation of time for prosecutions and suits.

R.S., c. 36.

Delay, neglect or refusal of returning officer to return elected candidate.

93. Notwithstanding anything in the *Criminal Code*, no indictment for an offence which is a corrupt practice or an illegal practice shall be tried before any court of quarter sessions or general sessions of the peace.

Quarter or general sessions court incompetent.

R.S., c. 36.

Advance Polls.

94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of receiving the votes of such persons as are described in the next following section of this Act and whose names appear in the list of electors for one of the polling divisions included in such place or any other place mentioned in the said Schedule Two and situate in the same electoral district.

Establishment of advance polls.

(2) When a single advance polling station would conveniently serve the electors resident in two or more of the places mentioned in the said Schedule which are situate in the same electoral district, it shall not be necessary to establish a separate polling station for each of such places.

Single advance polling station.

(3) Every such polling station shall be located so as to suit the convenience of that class of electors which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

Location of polling stations.

Additional
advance
polling
areas author-
ized by the
Chief
Electoral
Officer in
certain cases.

(4) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in Schedule Two of this Act and included in the same electoral district as such place, there resides a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may, at any time before the Friday on which the advance polls are opened, direct that such area shall, for the purpose of this section and of sections ninety-six and ninety-seven of this Act, be deemed and be treated as part of the place which is mentioned in the said Schedule and which it adjoins.

Amendment
of Schedule
by Chief
Electoral
Officer.

(5) The Chief Electoral Officer may from time to time amend Schedule Two of this Act by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such Schedule shall have effect as if incorporated into this Act; but he shall amend under the following circumstances only:—

(a) If a total of less than fifteen votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or

(b) If he is advised and believes that a total of fifteen votes will be polled at any place in case an advance poll is established there, he may add the name of that place.

Notice in
Canada
Gazette.

(6) The Chief Electoral Officer shall give notice, under his hand, published in the *Canada Gazette*, of all amendments made to such Schedule, and he shall, at every election, furnish to every returning officer a copy of such Schedule as it then stands amended.

Amendment
not in force
for sixty days.

(7) In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

Advance
polls
conducted as
ordinary
polls.

(8) Except as provided in this section and in sections ninety-six and ninety-seven of this Act, all advance polls shall be held, conducted and officered in the same manner as and for all purposes of this Act be regarded as ordinary polling stations.

When
advance polls
to be open.

(9) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.

Notice in
Form No. 61.

(10) The returning officer shall, not later than seven days before polling day, give public notice within the place where an advance poll is to be held, of the poll and of the location of the polling station, and such notice shall be in Form No. 61. The returning officer shall cause to be posted up at least two copies of such notice for every thousand of the population residing within such place.

95. The privilege of voting at an advance poll shall extend and shall extend only to—

Who may
vote at
advance
polls.

(a) such persons as are employed as commercial travellers as defined in subsection four of section two of this Act and to such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(b) such persons as are members of the Naval, Military or Air Forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active service or for annual training or he is engaged in, or called to the performance of, naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears.

96. (1) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

Conditions
for voting
at advance
polls.

(a) he produces to the deputy returning officer at the advance polling station an advance poll certificate, in Form No. 62, that he is the person to whom the privilege of voting at an advance poll extends, which certificate shall be signed by—

(i) the returning officer; or

(ii) the election clerk in the name of the returning officer and on his behalf; or

(iii) a person specially deputized by the returning officer, with the prior consent of the Chief Electoral Officer, to issue advance poll certificates, whose name and authority have been communicated by the returning officer to the deputy returning officer of such advance poll, and to each candidate officially nominated at the pending election.

(b) he signs in the presence of the deputy returning officer the statement of identification and declaration printed at the foot or end of Form No. 62.

(2) Such advance poll certificates shall be issued only on the personal application of the elector concerned and after the officer applied to has been satisfied that the applicant is a person to whom the privilege of voting at an advance poll extends.

Advance poll
certificates.

Certificates signed, numbered, recorded and notified to deputy returning officer of applicable ordinary polling station.

(3) The returning officer or the election clerk, or any other person specially deputed by the returning officer, by whom any advance poll certificate is issued (*a*) shall fill in and sign such certificate and mention thereon the date of its issue, (*b*) shall see that such certificate has been duly signed by the applicant, (*c*) shall consecutively number every such certificate in the order of its issue, (*d*) shall keep a record of every such certificate in the order of its issue, on the form prescribed by the Chief Electoral Officer, (*e*) shall not issue any such certificate in blank, and (*f*) shall, before the hour of the opening of the ordinary polls on polling day, send a copy of the advance poll certificate issued to the deputy returning officer for the polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote.

Elector must produce and deliver certificate.

(4) No person who has obtained an advance poll certificate shall be entitled to vote on the ordinary polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the ordinary polling station established for the polling division on the list for which his name appears.

No list or poll book kept, but notations to be made on the certificate.

(5) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the elector's name in the poll book.

Voting at any advance poll in same electoral district.

(6) An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district in which he is qualified to vote. No deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 62 issued by the returning officer or any other officer of another electoral district.

Proceedings at close of advance poll each day.

97. (1) At the close of the advance poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present,

- (*a*) unseal and open the ballot box;
- (*b*) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;
- (*c*) seal such envelope;
- (*d*) count the unused ballots and the certificates in Form No. 62 which up to that time have been presented;
- (*e*) place the unused ballots and certificates in Form No. 62 in another envelope which shall be supplied for the purpose;

(f) endorse thereon the number of such unused ballots and certificates in Form No. 62; and

(g) seal up the said envelope.

(2) The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

Affix
signatures
and seals.

(3) At the re-opening of the poll each day the ballot box shall be opened by the deputy returning officer in the presence of such of the candidates or their agents or of the electors representing the candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided.

Re-opening
of poll.

(4) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 62 in this section referred to.

Count of
ballots
at close
of poll
on ordinary
polling day.

(5) Subject to the provisions of sections ninety-four to ninety-seven, inclusive, of this Act, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Provisions
applicable to
advance
polls.

98. Any person who, corruptly,

(a) for the purpose of obtaining from any officer who is by this Act authorized to grant it, a certificate in Form No. 62, makes to such officer any false statement; or

(b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station; or

(c) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll; or

Anyone who
makes false
statement,
forges
certificate,
makes false
declaration, or
unlawfully
attempts to
vote at an
advance poll,
is guilty of
an offence.

(d) after having obtained from an officer by this Act authorized to grant it, a certificate in Form No. 62 votes or attempts to vote at any other than an advance poll, except upon presentation on polling day of such certificate as provided by this Act, or

(e) in any other manner contravenes any provision of sections ninety-four to ninety-seven, inclusive, of this Act,

is guilty of an offence against this Act punishable on summary conviction as by this Act provided.

SUPPLEMENTAL PROVISIONS.

Special Powers to Chief Electoral Officer.

Miscalculation, mistake or emergency.

99. If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate *ex officio* revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent. Provided that in the exercise of this discretion no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll.

Persons ineligible to act as Election Officers.

Who shall not be appointed election officers.

100. (1) Saving and excepting a judge upon whom this Act confers specific powers and his right to exercise such powers, none of the following indicated persons shall be appointed as election officers, that is to say—

(a) Members of the King's Privy Council for Canada or of the executive council of any province of Canada;

(b) Members of the Senate or of the Legislative Council of any province of Canada;

(c) Members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council;

(d) Ministers, priests or ecclesiastics of any religious faith or worship;

(e) Judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;

(f) Persons who have served in the Parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;

(g) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this Act or any provincial Act relating to elections, or under the *Disfranchising Act*; R.S., c. 52.

(h) Persons convicted of any indictable offence;

(i) Aliens.

(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act. Qualifications as electors of election officers.

Political Broadcasts.

101. No person shall be allowed to broadcast a speech or any entertainment or advertising programme over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at a Dominion election. This prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened. Political broadcasts forbidden.

Notices.

102. (1) When any election officer is by this Act authorized or required to give a public notice and no special mode of notification is indicated, the notice may be by advertisement, placard, handbill or otherwise as he considers will best effect the intended purpose. Notices: how given.

(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situate on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situate, and such documents shall not be affixed to fences or poles in any manner otherwise. Posting of notices, etc.

Communication by Telegraph.

103. (1) Whenever it appears to the satisfaction of the Chief Electoral Officer, at a time when an election is about to be held, that necessary communication for the purposes of the election with or within any electoral district will probably be interrupted during such election by the severity of the season, or by the absence or severance, temporarily, of any other means of communication than that available by telegraph, he may direct that the writ of election and Communications by telegraph.

all necessary instructions, information, forms, proclamations, notices, appointments, reports, returns (other than the return of the returning officer as to the result of the election) and other election documents be transmitted to or within the electoral district to or by the returning officer, deputy returning officer, and other election officers, by telegraph.

Order as to
details.

(2) The Chief Electoral Officer may make such order as to the details of the proceedings at or relating to such election, to be so transmitted by telegraphic communication as to him seems proper for best attaining the purpose of this section.

Telegrams
repeated.

(3) Every telegraphic communication referred to in this section shall be repeated by the person receiving the messages to the person transmitting the same, in order to insure the correctness of the message received.

Oaths and Affirmations.

Oaths:
by whom
administered.

104. (1) Where in this Act any oath, affirmation, affidavit or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit or declaration shall be administered by the person who by this Act is expressly required to administer it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a revising officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a justice of the peace or a commissioner for taking affidavits within the province.

(2) All such oaths, affirmations, affidavits or declarations shall be administered gratuitously.

Peace and Good Order at Public Meetings.

Penalty for
disorderly
conduct at
public
meetings.

105. (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

Penalty for
conspiracy
to cause
disorder.

(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with

intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an indictable offence against this Act, punishable as in this Act provided.

Signed Pledges by Candidates Prohibited.

106. It shall be an illegal practice and an offence against this Act for any candidate for election as a member to serve in the House of Commons to sign any written document presented to him by way of demand or claim made upon him, by any person, persons or associations of persons, between the date of the issue of the writ of election and the date of polling, if such document requires such candidate to follow any course of action that will prevent him from exercising freedom of action in Parliament if elected, or to resign as such member if called upon to do so by any person, persons or associations of persons.

Signed
pledges by
candidates
prohibited.

Premature Publication of Election Results.

107. No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill or in any other manner. Any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.

Premature
publication
of results
forbidden.

Lists of Electors for By-election Held within six months after General Election.

108. (1) When a writ of election in any electoral district is issued within six months after the day fixed for the poll at the next preceding general election under this Act in such electoral district, it shall not be necessary to prepare any preliminary lists of electors for such election, as provided in section seventeen of this Act, if there are on file in the office of the Chief Electoral Officer copies of the lists of electors prepared for such preceding election.

When
enumeration
of electors
unnecessary.

(2) In that event, it shall be the duty of the Chief Electoral Officer to send forward to the returning officer, with the writ of election, at least twelve copies of the lists of electors prepared for the preceding election and on file in his office. Two copies of such lists of electors shall be transmitted forthwith by the returning officer to the revising officers in urban polling divisions and to the enumerators in rural polling divisions, to be appointed as in this Act provided.

Lists of
electors
which
shall be used.

The returning officer shall also furnish two copies of such lists to every candidate formally nominated and, at the discretion of the returning officer, to every person reasonably expected to be formally nominated as a candidate at the then pending by-election or to his representative.

Duties of
returning
officers.

(3) The returning officer shall cause to be printed and posted up, as in this Act provided, the necessary number of copies of the Notice of Revision, in Form No. 12, (modified by the Chief Electoral Officer to suit the circumstances) and shall perform all his other duties in relation to the revision and correction of the list of electors by the revising officers in urban polling divisions and by enumerators in rural polling divisions, as prescribed in this Act.

Duties of
revising
officers in
urban
polling
divisions.

(4) In urban polling divisions every revising officer appointed shall revise and correct the lists of electors for the various polling divisions comprised in his revisal district, as directed in *Rules (17) to (43)*, inclusive, of Schedule A to section seventeen of this Act, with the exception that the sittings of the revising officer shall be held on the twenty-first, twentieth and nineteenth days before polling day, and the revising officer shall otherwise act in every other respect as if the lists furnished him by the returning officer were preliminary lists of electors newly prepared by enumerators and printed as in this Act provided.

Duties of
enumerators
in rural
polling
divisions.

(5) In rural polling divisions, every enumerator shall post up three copies of the notice in Form No. 19, (modified by the Chief Electoral Officer to suit the circumstances) and he shall also post up one copy of the list of electors, as received from the returning officer, together with one copy of such notice, at the place whereat such enumerator will remain in attendance between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Monday the twenty-first day before polling day to revise the list of electors for his polling division, as directed by *Rules (12) to (24)*, inclusive, of Schedule B to section seventeen of this Act, with the exception that all changes and additions shall be made on one copy of the list received from the returning officer instead of in the index book, and he shall act in every other respect as if such list was a preliminary list of electors newly prepared as in this Act provided.

Revised
lists to be
printed.

(6) The lists of electors so revised and corrected by the revising officers or enumerators shall be printed by the returning officer immediately after the revision is completed and shall then constitute the official lists of electors to be used for the taking of the vote at the pending by-election.

List for
polling
division
for which
no list
is on record.

(7) Should there be in any electoral district a polling division for which a list of electors is not on record in the office of the Chief Electoral Officer, a list of electors for such polling division shall, for the purpose of any by-election, be wholly prepared as in the manner by this Act provided.

Voting under the Canada Temperance Act.

109. (1) Whenever under the *Canada Temperance Act* a vote is to be taken, the procedure to be followed shall, in lieu of the procedure therein directed, be the procedure laid down in this Act with such modifications as the Chief Electoral Officer may direct as being necessary by reason of the difference in the nature of the question to be submitted, and with such omissions as he may specify on the ground that compliance with the procedure laid down is not required.

Act to apply in votes taken under *Canada Temperance Act*.

R.S., c. 196.

(2) Any direction given by the Chief Electoral Officer for a modification of or omission from the procedure directed by this Act shall be published by him in the *Canada Gazette* at least four weeks before the day upon which the vote is to be taken.

Publication in *Canada Gazette*.

Amendments.

110. No amendment to this Act shall apply in any election for which the writ is issued within three months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act or parts thereof printed for distribution to election officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed.

No amendment to apply to election for which writ is issued, within three months, except after notice.

Consolidation of amendments.

Repealed Acts.

111. The following Acts are repealed:—

Repealed Acts.

(a) *The Dominion Elections Act, 1934*, chapter fifty of the statutes of 1934.

1934, c. 50.

(b) *An Act to provide for Dominion By-elections*, chapter thirty-five of the statutes of 1936.

1936, c. 35.

(c) *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934.

1934, c. 51.

Date of Coming into Force.

112. The provisions of this Act with respect to the appointment, remuneration, powers and duties of the Chief Electoral Officer and his staff, the appointment of returning officers, the revision of the boundaries of polling divisions and the payment of accounts for election supplies and forms, shall come into force on the day upon which this Act is assented to, but the remaining provisions of this Act shall not come into force until a day to be fixed by the Governor in Council and proclaimed in the *Canada Gazette*.

When Act comes into force.

SCHEDULE ONE

FORMS

FORM No. 1.

WRIT OF ELECTION. (Sec. 7.)

GEORGE THE SIXTH, by the Grace of God of Great Britain,
Ireland and of the British Dominions beyond the Seas KING,
Defender of the Faith, Emperor of India.

To (*Insert name, surname and address of returning officer*).

GREETING:

Whereas, by the advice of Our Privy Council for Canada, We have ordered a Parliament to be holden at Ottawa, on the day of next (*omit this preamble, except in the case of a general election*), We command you that notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or as the case may be*) to serve in the House of Commons of Canada, for the electoral district of in the province of (*except in case of a general election, insert here*) in the place of (*stating the cause of the vacancy*) and that you do cause the nomination of candidates at such election to be held on the day of next, and if a poll become necessary that the same be held on the day of next, and do cause the name (*or names*) of such member or members when so elected, whether he is (*or they are*) present or absent, to be certified to our Chief Electoral Officer, as by law directed.

Witness, Our Right Trusty and Well-beloved, etc., Governor General (*or Administrator of the Government*) of Our Dominion of Canada, at Our city of Ottawa, the day of in the year of Our Reign and in the year of Our Lord 19 .

By Command

.....
Chief Electoral Officer.

Endorsement.

Received the within Writ on the day of , 19 .

.....
Returning Officer.

FORM NO. 2.

OATH OF THE RETURNING OFFICER. (Sec. 9.)

I, the undersigned (*insert name of returning officer*), returning officer for the electoral district of _____ do swear (or solemnly affirm) that I am qualified according to law to act as returning officer for the said electoral district of _____, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

.....
Returning Officer.

Certificate of Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 19____, (*insert name of returning officer*) the returning officer for the electoral district above mentioned, took and subscribed before me the oath (*or affirmation*) of office required in such case of a returning officer by section nine of *The Dominion Elections Act, 1938*.

In testimony whereof I have delivered to him this certificate.

.....
Justice of the Peace,
(or as the case may be.)

FORM No. 3.

APPOINTMENT AND OATH OF AN ELECTION CLERK. (Sec. 9.)

APPOINTMENT.

To (*insert name of election clerk*), whose occupation is (*insert occupation*), and whose address is (*insert address*).

Know you that, in my capacity of returning officer for the electoral district of _____, I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district.

Given under my hand at.....this.....day of
....., in the year 19 .

.....
Returning Officer.

OATH OF THE ELECTION CLERK. (Sec. 9.)

I, the undersigned (*insert name of election clerk*), appointed election clerk for the electoral district of _____, do swear (*or solemnly affirm*) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

.....
Election Clerk.

Certificate of Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that, on the _____ day of _____, 19 _____, (*insert name of election clerk*), election clerk for the electoral district of _____, took and subscribed before me the oath (*or affirmation*) of office required in such case of an election clerk by section nine of *The Dominion Elections Act, 1938*.

In testimony whereof I have delivered to him this certificate under my hand.

.....
Returning Officer.
(*or as the case may be.*)

FORM NO. 4.

PROCLAMATION. (Sec. 18.)

Electoral District of
Province of

} To wit:

Pursuant to His Majesty's writ bearing date the day of , 19 , I am commanded to cause election to be made according to law of a member (or *two members*) to serve in the House of Commons of Canada for this electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at (describe the place at which the returning officer will attend to receive nominations) , in the town (or city or village) of , on (insert day and date of nomination day) , the day of , 19 , from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be held on the day of , 19 , between the hours of eight o'clock in the forenoon and six o'clock in the afternoon at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at o'clock in the noon on the (insert the earliest date at which the return of all the ballot boxes may be expected) day of , 19 , at (describe the place at which the votes are to be finally added up) , in the town (or city or village) of , open the ballot boxes, add up the votes given for the several candidates, and declare elected the candidate having the majority of votes.

And that (the returning officer will alter the wording of this paragraph to suit the circumstances) the territory comprised within the city (or town, or as the case may be) of will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of *The Dominion Elections Act, 1938*, and that the polling divisions in the remainder of the electoral district will be rural polling divisions, for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office as returning officer for the electoral district at (giving the location of the returning officer's office).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , in the above mentioned electoral district, this day of , 19 .

(Print name of returning officer)

Returning Officer.

FORM No. 5.

APPOINTMENT OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 1.)

To (*insert name of enumerator*), whose occupation is (*insert occupation*),
and whose address is (*insert address*).

Know you that, in pursuance of the provisions of section seventeen of *The Dominion Elections Act, 1938*, I, the undersigned, in my capacity as returning officer for the electoral district of....., do hereby appoint you to be enumerator for polling division No..... in the said electoral district to prepare a list of electors qualified to vote in the said polling division, in accordance with the provisions of the said section seventeen of *The Dominion Elections Act, 1938*.

Given under my hand at.....this.....
day of....., 19.....

.....
Returning Officer.

FORM No. 6.

OATH OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned (*insert name of enumerator*), appointed enumerator for polling division No....., in the electoral district of....., do solemnly swear (*or affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the day of....., 19....., the enumerator above named made and subscribed before me the above set forth oath (*or affirmation*).

In testimony whereof I have issued this certificate under my hand.

.....
Returning Officer
(*or as the case may be.*)

FORM No. 8.

URBAN PRELIMINARY LIST OF ELECTORS. (Sec. 17, Sched. A, Rule 13.)

Electoral District of.....Urban Polling Division No.....

Comprising the area included within a line described as commencing at the intersection of Laurier Avenue west and Bronson Avenue, thence east along Laurier Avenue west to Lyon Street, thence south along Lyon Street to Gloucester Road, thence west along Gloucester Road to Bronson Avenue, and north along Bronson Avenue to point of commencement.

The following names have been enumerated during a recent house-to-house visitation in the above mentioned polling division by a pair of urban enumerators.

Name of street and		Name of elector (family name first)	Occupation	Con- secutive number
Street number	Apartment number			
BAY STREET				
219.....	1	Johnson, Alfred.....	painter.....	1
219.....	1	Johnson, Mrs. Alfred.....	—	2
219.....	2	Fischer, James.....	railway employee.....	3
219.....	3	Carroll, Ernest.....	bookkeeper.....	4
220.....		McMillan, John.....	civil servant.....	5
221.....		Osborne, John.....	printer.....	6
222.....		Payne, Charles.....	printer.....	7
BRONSON AVENUE				
103.....		Smith, Henry.....	civil servant.....	8
104.....		Henderson, Peter.....	tinsmith.....	9
105.....		Stewart, Nelson.....	mechanic.....	10
105.....		Stewart, Mrs. Nelson.....	—	11
106.....		Kennedy, Ernest.....	civil servant.....	12
106.....		Kennedy, Miss Jamen.....	spinster.....	13
107.....		Davis, Louis.....	jobber.....	14
GLOUCESTER ROAD				
323.....	1	Williams, James.....	civil servant.....	15
323.....	2	Dunn, Robert.....	retired.....	16
323.....	3	Moffatt, Miss Lily.....	spinster.....	17
323.....	4	Pearson, Mrs. Alex.....	widow.....	18
326.....		Carson, Harold.....	clerk.....	19
326.....		Carson, Mrs. Harold.....	—	20
LAURIER AVENUE				
456.....		Murphy, Peter.....	builder.....	21
456.....		Murphy, Mrs. Peter.....	—	22
459.....	1	Lusk, Nelson.....	civil servant.....	23
459.....	1	Lusk, Mrs. Nelson.....	—	24
459.....	2	Lawson, John.....	painter.....	25
459.....	2	Lawson, Mrs. John.....	—	26
459.....	3	Wood, Peter.....	clerk.....	27
LYON STREET				
204.....		Moore, Alex.....	tinsmith.....	28
204.....		McDonald, John.....	civil servant.....	29
204.....		McDonald, Mrs. John.....	—	30
207.....		Murphy, Miss Jane.....	civil servant.....	31
210.....		Graham, William.....	merchant.....	32
215.....		Russell, John.....	civil servant.....	33
215.....		Russell, Miss Dorothy.....	spinster.....	34
PERCY STREET				
3.....	1	Fisher, Howard.....	clerk.....	35
3.....	2	Johnson, James.....	civil servant.....	36
3.....	3	Blackburn, John.....	contractor.....	37
3.....	3	Blackburn, Mrs. John.....	—	38
4.....		Henderson, Edward.....	carpenter.....	39
11.....		Smith, Henry.....	blacksmith.....	40
15.....		Burns, Mrs. James.....	stenographer.....	41
15.....		Burns, Miss Ann.....	clerk.....	42

On the last page of each separate complete copy of the list prepared, the enumerators will severally subscribe to the oath in Form No. 9.

FORM No 9.

OATH OF URBAN ENUMERATORS UPON COMPLETION OF THEIR PRELIMINARY LIST (Sec. 17, Sched. A, Rule 15)

We, the undersigned urban enumerators appointed to prepare a preliminary list of electors for polling division No..... of the electoral district of....., do severally solemnly swear (or affirm) that the foregoing..... sheets contain as complete and as correct a list of the qualified electors as we have been able to prepare for the above mentioned polling division.

Severally sworn (or affirmed) before
me at.....
this.....day of....., 19....

.....
Returning Officer
(or, as the case may be).

.....
Enumerator.
.....
Enumerator.

FORM No. 10.

APPOINTMENT OF A SUBSTITUTE REVISING OFFICER. (Sec. 17, Sched. A, Rule 18.)

To....., whose address is.....
and whose occupation is.....

Know you that, pursuant to the authority vested in me under Rule (18) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, I, the undersigned, in my capacity as *ex officio* Revising Officer, do hereby appoint you to be a substitute revising officer for revisal district No..... of the electoral district of....., to revise the preliminary lists of electors for the urban polling divisions comprised in the said revisal district, for use in the pending election for a member of the House of Commons, in accordance with the provisions of the said section seventeen of *The Dominion Elections Act, 1938*.

Given under my hand at.....
this.....day of....., 19....

.....
Judge of the.....Court

FORM No. 11.

OATH OF A SUBSTITUTE REVISING OFFICER. (Sec. 17, Sched. A,
Rule 18.)

I, the undersigned.....
(Insert name of substitute revising officer)

appointed substitute revising officer for revisal district No.....
in the electoral district of....., do
solemnly swear (or affirm) that I will act faithfully in my said capacity
of substitute revising officer, without partiality, fear, favour or affection,
and in every respect according to law. So help me God.

.....
Substitute revising officer.

Certificate of Oath of the Substitute Revising Officer.

I, the undersigned do hereby certify that on the.....
day of....., 19...., the substitute revising offi-
cer above named made and subscribed before me the above set forth
oath (or affirmation).

In testimony whereof I have issued this certificate under my hand.

.....
Judge of the.....Court
(or.....
(as the case may be)

FORM No. 12.

NOTICE OF REVISION OF URBAN PRELIMINARY LISTS OF ELECTORS
(Sec. 17, Sched. A, Rule 23.)

Electoral District of.....

PUBLIC NOTICE IS HEREBY GIVEN THAT the sittings for the revision
of the preliminary lists of electors for the urban polling divisions com-
prised in the above mentioned electoral district will be held at ten
o'clock (standard time) in the forenoon of each of the following three
days, namely: Monday, Tuesday and Wednesday, the.....,
(Insert the dates of the 14th, 13th and 12th
days before polling day.)
.....and.....days of....., 19....,

when the preliminary lists of electors for the several polling divisions
comprised in each of the following revisal districts will be revised by the
undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos.....
 of the above mentioned electoral district, including
 within an area described as follows: (*Insert description of area included
 in revisal district.*) The sittings for revision will be held at (*Insert
 exact location of the revisal office.*) before (*Insert full name of the revising
 officer*) who has been duly appointed revising officer and whose ordinary
 post office address is (*Insert address of revising officer*).

(*Proceed as above in respect to all other revisal districts.*)

NOTICE IS FURTHER GIVEN THAT on or before the first day of the
 sittings for revision, any qualified elector in the above mentioned elec-
 toral district may make, before the revising officer for the appropriate
 revisal district, an affidavit attacking the qualification as elector of any
 other person whose name appears on the preliminary list of electors for
 one of the polling divisions in such revisal district.

THAT at any of the sittings for revision aforesaid the revising officer
 will dispose of the following applications:—

(a) personal applications made by persons whose applications to
 have their names included in the list of electors have been refused by
 the enumerators;

(b) personal applications made by electors whose names were
 omitted from the preliminary list;

(c) written applications made by agents on Forms Nos. 15 and 16
 on behalf of persons claiming the right to have their names included
 in the list of electors pursuant to Rule (33) of Schedule A to section
 seventeen of *The Dominion Elections Act, 1938*; and

(d) verbal applications for the correction of names or particulars
 of electors appearing on the preliminary list.

THAT during his sittings each revising officer will dispose
 of any objection made on oath to the inclusion of any name on the lists,
 of which he himself has given notice to the elector concerned, pursuant
 to Rule (28) of Schedule A to section seventeen of *The Dominion
 Elections Act, 1938*.

THAT each of the sittings aforesaid will open at ten o'clock (standard
 time) in the forenoon and will continue only during such time as may be
 necessary to deal with the business ready to be disposed of.

THAT on the last day of the sittings for revision each revising officer
 will sit continuously in his revisal office from seven to ten o'clock
 (standard time) in the afternoon of such day.

AND THAT the preliminary lists of electors prepared by urban enum-
 erators, to be revised as aforesaid, may be consulted during office hours
 at my office at (*insert location of office of returning officer*).

Given under my hand at.....this.....
 day of....., 19.....

(*Print name of returning officer.*)

Returning Officer for the Electoral District of

FORM No. 13

AFFIDAVIT OF OBJECTION TO A REGISTERED ELECTOR (Sec. 17, Sched. A,
Rule 28).

Electoral District of.....

I, (*Name in full, family name last*), whose address is (*address as in list of electors*), and whose occupation is (*occupations as in list of electors*), make oath (*or solemnly affirm*) and say:—

1. That I am the person described on the preliminary list of electors for polling division No.....in the city (or town) of in the above electoral district, and my address and occupation are set out above as given in the said preliminary list of electors.

2. That there has been included in the preliminary list of electors for polling Division No.....in the electoral district of....., in the said city (*or town or as the case may be*) above described, the name of (*set out name as in list of electors*), whose address is given as (*set out address as in list of electors*), and whose occupation is stated as (*set out occupation as in list of electors*).

3. That I know of no other address at which the said person is more likely to be reached than that so stated in the said preliminary list of electors, except (*give alternative or better address, if one is known*).

4. And that I have good reason to believe and do verily believe that the said name should not appear upon the said list of electors for this electoral district because the person, described by the said entry, (*insert one of the grounds of disqualification as hereinafter set out*).

Sworn (or affirmed) before me.....

.....,
this day of.....,

19.....

.....
(Deponent to sign here).....
Revising Officer for Revisal District No.....

*Grounds of disqualification which may be set out in the affidavit in
Form No. 13.*

(1) "Is dead."

(2) "Is not qualified because he is not of the full age of twenty-one years and will not attain such age on or before polling day."

(3) "Is not qualified because he is not a British Subject by birth or naturalization."

(4) "Is not qualified because he has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."

- (5) "Is not qualified because he was not ordinarily resident in this electoral district on the date of the issue of the writ for the pending election (or, at a by-election, has not continued to be ordinarily resident therein until this day)."
- (6) "Is disqualified from voting because he is" (*naming the class of disqualified persons to which the person objected to belongs*), as e.g., "a judge appointed by the Governor in Council," "an Indian resident on an Indian reservation who did not serve in the naval, military or air forces of Canada in the war 1914-1918," or, *as the case may be, and as prescribed by sections fourteen, fifteen and sixteen of The Dominion Elections Act, 1938.*
- (7) "Has to my knowledge, been included in the list of electors prepared for polling division No..... of this electoral district in which he resides."

FORM No. 14.

NOTICE OF OBJECTION TO ELECTOR OBJECTED TO. (Sec. 17,
Sched. A, Rule 28.)

Electoral District of.....

To: (*Set out name, address and occupation of elector as in the preliminary list of electors, also addressing the same notice to any other address given in Form No. 13.*)

Take notice that an affidavit, of which a copy is sent herewith, has been made before me this day alleging that you are not entitled to vote at the pending Dominion election in the polling division mentioned in such affidavit for the reason set out in the said affidavit.

And take notice that if you desire your name to remain on the list of electors for the polling division mentioned in such affidavit you must appear before me personally or by representative during my sittings as revising officer which will be held at No..... street in the City (or Town) of..... on the....., ... and..... days of..... 19...., where I may be found at ten o'clock in the forenoon on each of the three days mentioned, and from seven o'clock until ten o'clock in the afternoon of the last mentioned day.

And take notice that if you do not then appear before me personally or by representative and establish your right to have your name included in the said list of electors or, before the close of my sittings for revision, cause to be delivered to me an affidavit or statutory declaration justifying on sufficient grounds your non-attendance and verifying your qualifications as an elector and establishing your right to have your name thus included, your name will be struck off the said list of electors without any further action on the part of the elector by whom the objection has been made.

This notice is given pursuant to Rule (28) of Schedule A to section seventeen of *The Dominion Elections Act, 1938.*

Dated at..... this..... day of....., 19....

.....
Revising Officer for Revisal District No.....

FORM No. 15.

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR. (Sec. 17, Sched. A, Rule 33.)

Electoral District of.....
To the Revising Officer for Revisal District No.....
in the above mentioned electoral district.

I, the undersigned.....,
(insert name of agent) *(insert address)*

(insert occupation), make oath and say:

1. That I am a qualified elector of the above mentioned revisal district and my name properly appears on the list of electors for polling division No. thereof;

2. That pursuant to the provisions of Rule (33) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, I hereby apply for registration of the name of.....
(here insert full name, address and occupation, in CAPITAL LETTERS, with family name first,
of the person on whose behalf the application is made)
 on the official list of electors for polling division No.....
 comprised in the above mentioned revisal district;

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 16 are, to the best of my knowledge and belief, correctly stated;

4. That the said annexed application in Form No. 16 is signed in the handwriting of the person on whose behalf this application is made, (or, owing to his temporary absence from his ordinary place of residence, the alternative application printed on the back of the said Form No. 16 has been duly sworn (or affirmed) by a relative by blood or marriage or employer of such person).

Sworn (*or affirmed*) before me at..... }
 }
 this..... day of..... } (*Signature of deponent*)
 19.... }
 }
Revising Officer (or as the case may be)

FORM No. 16.

APPLICATION BY AN ELECTOR FOR REGISTRATION AS SUCH. (Sec. 17,
Sched. A, Rule 33.)

(To be presented to the revising officer by the agent of an elector.)

Electoral District of.....

Polling Division No.....

Name of applicant.....

(In capital letters with family name first.)

Address.....

Occupation.....

I hereby apply to be registered at the now proceeding revision of lists of electors as an elector of the above mentioned electoral district in the above mentioned polling division.

I am of the full age of twenty-one years, or will attain the full age of twenty-one years on or before polling day at the pending election.

I am a British subject.

I have been ordinarily resident in Canada for the twelve months immediately preceding polling day, and was ordinarily resident in the above mentioned electoral district on the date of the issue of the writ for the pending election (and, at a by-election I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned electoral district under any of the provisions of *The Dominion Elections Act, 1938*.

Dated at....., this.....
day of....., 19....

.....
(Signature of applicant.)

FORM No. 16—*Concluded*

ALTERNATIVE APPLICATION TO BE MADE ON OATH BY A RELATIVE OR
EMPLOYER WHEN ELECTOR IS ABSENT FROM ORDINARY PLACE OF
RESIDENCE.

AFFIDAVIT OF RELATIVE OR EMPLOYER. (Sec. 17, Sched. A, Rule 33.)
(To be presented to the revising officer by the agent of an elector.)

Electoral District of.....

Polling Division No.....

I, ... of
(Insert name of relative or employer) *(address)*

(Insert name of relative or employer)

(address)

....., make oath and say:—
(occupation)

(occupation)

1. That I am hereby applying for the registration of the name of ^(occupation)

....., of
(In capital letters with family name first) (address)

(In capital letters with family name first)

(address)

(occupation)

to be registered as an elector in the above mentioned polling division,
at the now proceeding revision of lists of electors of the above men-
tioned electoral district.

2. That the said.....

(Name of person on whose behalf the application is made)

(a) is of the full age of twenty-one years, or will attain the full age of twenty-one years on or before polling day at the pending election.

(b) is a British subject.

(c) has been ordinarily resident in Canada for twelve months immediately preceding polling day, and was ordinarily resident in the above mentioned electoral district on the date of the issue of the writ for the pending election (and, at a by-election has continued to be ordinarily resident in this electoral district until this day).

3. That the said.....

(Name of person on whose behalf the application is made)

is at this time temporarily absent from his ordinary place of residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector under any of the provisions of *The Dominion Elections Act, 1938*, in the above mentioned electoral district.

4. And that I am { a relative by blood or marriage, } of the said
or the employer }

Sworn or affirmed before me at.....)

this.....day of.....

19.... } (Signature of relative or employer)

.....

Revising Officer (or as the case may be)

FORM No. 17.

REVISING OFFICER'S STATEMENT OF CHANGES AND ADDITIONS MADE IN
AN URBAN PRELIMINARY LIST OF ELECTORS. (Sec. 17, Sched. A,
Rule 41.)

Polling Division No.....

Electoral District of.....

Revisal District No.....

The following names appearing in the urban preliminary list of
electors have been struck out:—

Name of street (or, as the case may be)	Street No.	Apart- ment No.	Name of elector (Family name first)	Occupation	Consecutive number

The following names have been added to the urban preliminary
list of electors:—

Name of street (or, as the case may be)	Street No.	Apart- ment No.	Name of elector (Family name first)	Occupation	Remarks

The following entries in the urban preliminary list of electors have
been corrected so as to appear as follows:—

Name of street (or, as the case may be)	Street No.	Apart- ment No.	Name of elector (Family name first)	Occupation	Consecutive number

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the
changes and additions which have been made in the urban preliminary
list of electors for the above mentioned polling division in the course
of the revision.

Dated at..... this.....
day of....., 19....

.....

Revising Officer.

FORM No. 18.

CERTIFICATE ISSUED BY RETURNING OFFICER TO AN ELECTOR DULY
ENUMERATED, BUT WHOSE NAME WAS INADVERTENTLY LEFT OFF
THE OFFICIAL URBAN LIST OF ELECTORS. (Sec. 17 (14).)

Electoral District of.....

Urban Polling Division No.....

TO WHOM IT MAY CONCERN:

This is to certify that the carbon copy of the Notice in Form No. 7
in the enumerators' record books now in my possession show that
such a notice was duly issued to.....,

(insert name)

....., ...

(insert address)

(insert occupation)

advising such person that his application to be registered as an
elector in the above mentioned polling division was granted, and that,
through inadvertence, his name was left off the official list of electors
for the said polling division.

This is to certify also that, pursuant to subsection fourteen of section
seventeen of *The Dominion Elections Act, 1938*, the official list of
electors for the above mentioned polling division is deemed to have
been amended to include the name of the above named elector, and
that he is therefore entitled to vote at the pending election at polling
station No.....established in the above mentioned
polling division.

Given under my hand at..... this.....
day of....., 19....

.....
(Returning Officer.)

FORM No. 19.

NOTICE OF RURAL ENUMERATION OF ELECTORS. (Sec. 17
Sched. B, Rule 3.)

Electoral District of.....

Rural Polling Division No.....

Public notice is hereby given that the undersigned has been appointed enumerator for the above mentioned rural polling division and is about to prepare a preliminary list of electors who are qualified to vote therein at a Dominion election, and that he will complete the said preliminary list of electors on Saturday, the.....

day of....., 19....
(insert the date of Saturday, the forty-fourth day before polling day.)

And that during the hours between ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the.....day of the month of....., 19....

(insert the date of Tuesday, the thirteenth day before polling day.)
he will attend and remain at.....
(insert an exact description of the location of the place and where the enumerator intends to remain)

.....
so that he may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the above polling division who is qualified to vote at the pending Dominion election or does contain the name of any person who is not qualified to vote thereat.

And that in order that the preliminary list of electors for the above mentioned polling division shall be available for inspection by persons desiring to inspect the same, a copy thereof will, forthwith after the completion thereof, be posted at the place above described and will remain so posted until all proper corrections in the list have been made.

And that after ten o'clock in the afternoon of the Tuesday above mentioned, no further corrections or additions will be made, and the preliminary list of electors together with the statement of changes and additions certified by me will constitute the official list of electors to be used for the taking of the vote at the pending election for the polling division above mentioned.

Dated at....., this.....
day of....., 19....

.....
Enumerator.

FORM No. 20.

INDEX BOOK. (Sec. 17, Sched. B, Rule 5.)

Form for first page.

Electoral district of.....
Polling division No.....comprising (*giving description
of the boundaries of polling division*).....
.....
.....

Consecutive Number	Name (<i>Family name first</i>)	Occupation	Post office address	Remarks

Form for second and subsequent pages.

Continuation of polling division No.....

Consecutive Number	Name (<i>Family name first</i>)	Occupation	Post office address	Remarks

FORM No. 21.

RURAL PRELIMINARY LIST OF ELECTORS. (Sec. 17, (16) and Sched. B, Rule 10.)

Electoral District of.....
 Rural Polling Division No.....comprising (*giving the description of the boundaries of the polling division*).....

Consecutive Number	Name (Family name first)	Occupation	Post office address
1	Allan, John.....	farmer.....	Britannia
2	Allan, Mrs. John.....	—.....	Britannia
3	Allan, Miss Helen.....	spinster.....	Britannia
4	Bradley, Thomas.....	merchant.....	Westboro
5	Bradley, Mrs. Thomas.....	—.....	Westboro
6	Bradley, Miss Jean.....	clerk.....	Westboro
7	Boyle, Mrs. Thomas.....	widow.....	Woodroffe
8	Carter, John.....	clerk.....	Westboro
9	Cummings, James.....	farmer.....	Britannia
10	Cummings, Mrs. James.....	—.....	Britannia
11	Caldwell, Samuel.....	labourer.....	Westboro
12	Dawson, William.....	farmer.....	R.R. No. 1, Westboro
13	Dawson, Mrs. William.....	—.....	R.R. No. 1, Westboro
14	Downing, Miss Mary.....	teacher.....	Woodroffe
15	Egan, Mrs. James.....	widow.....	Woodroffe
16	Foley, Benjamin.....	farmer.....	R.R. No. 1, Westboro
17	Foley, Mrs. Benjamin.....	—.....	R.R. No. 1, Westboro
18	Graham, Alexander.....	painter.....	Westboro
19	Graham, Mrs. Alexander.....	—.....	Westboro
20	Grant, Miss Evelyn.....	clerk.....	Westboro
21	Hodgins, Elmer.....	farmer.....	R.R. No. 1, Westboro
22	Hodgins, Mrs. Elmer.....	—.....	R.R. No. 1, Westboro
23	Hudson, James.....	labourer.....	Westboro
24	Jenkins, Thomas.....	farmer.....	Britannia
25	Jenkins, Mrs. Thomas.....	—.....	Britannia
26	Kelly, Miss Jane.....	spinster.....	Westboro
27	Lewis, Harry C.....	agent.....	Westboro
28	Lewis, Mrs. Harry C.....	—.....	Westboro
29	Lewis, Miss Suzanne.....	teacher.....	Westboro
30	Lewis, Peter.....	broker.....	Westboro
31	Martin, James.....	farmer.....	Westboro
32	Martin, Mrs. James.....	—.....	Westboro
33	Moore, Mervin.....	farmer.....	Westboro
34	Neil, John.....	labourer.....	Westboro
35	Osborne, Peter.....	farmer.....	Westboro
36	Osborne, Mrs. Peter.....	—.....	Westboro
37	Pratt, Oscar.....	farmer.....	R.R. No. 1, Westboro
38	Pratt, Mrs. Oscar.....	—.....	R.R. No. 1, Westboro
39	Richards, Peter.....	farmer.....	R.R. No. 2, Westboro
40	Richards, Mrs. Peter.....	—.....	R.R. No. 2, Westboro
41	Smith, Norman.....	merchant.....	Westboro
42	Smith, Mrs. Norman.....	—.....	Westboro
43	Smith, Miss Dora.....	clerk.....	Westboro
44	Thompson, James.....	labourer.....	Westboro
45	Thompson, Miss Mildred.....	spinster.....	Westboro
46	Timmins, Alex.....	farmer.....	R.R. No. 1, Westboro
47	Wilson, James.....	farmer.....	R.R. No. 2, Westboro
48	Wilson, Mrs. James.....	—.....	R.R. No. 2, Westboro
49	Yates, John.....	merchant.....	Westboro
50	Yates, Mrs. John.....	—.....	Westboro

I hereby certify that the attached.....sheets contain a true copy of the rural preliminary list of electors for the polling division above described as prepared by me for use at the pending election.

Dated at.....this.....day of....., 19.....

Enumerator.

FORM No. 22.

CERTIFICATE OF RURAL ENUMERATOR. (Sec. 17, Sched. B, Rule 20).

I,....., of.....,
(Insert name of enumerator) *(Insert address)*
in the province of....., duly appointed as rural enumerator
for polling division No.....in the electoral district of.....,
do hereby declare that this index book contains as complete a list of
the qualified electors in the said polling division as I have been able
to prepare.

AND THAT I have prepared the official list of electors for this polling
division impartially and to the best of my ability: there now appear
therein the names of all persons in this polling division whom I believe
to be qualified as electors at the pending Dominion election, and no
names of any persons whom I do not believe to be qualified to vote
appear therein as qualified electors.

Dated at.....this.....
day of....., 19.....

.....
Rural Enumerator.

FORM No. 23.

STATEMENT OF CHANGES AND ADDITIONS MADE BY THE RURAL ENUMER-
ATOR IN THE PRELIMINARY LIST OF ELECTORS IN THE INDEX
BOOK. (Sec. 17, Sched. B, Rule 19.)

Polling Division No.....

Electoral District of.....

The following names have been added to the preliminary list of
electors in the index book:—

Name <i>(Family name first)</i>	Occupation	Post office address

The following names in the preliminary list of electors in the index
book have been corrected so as to appear as follows:—

Conse- cutive Number	Name <i>(Family name first)</i>	Occupation	Post office address

The following names appearing in the preliminary list of electors
in the index book have been struck out:—

Conse- cutive Number	Name <i>(Family name first)</i>	Occupation	Post office address

FORM No. 25.

OATH OF ATTESTATION OF THE NOMINATION PAPER. (Sec. 21 (8).)

I, _____ of (*post office address*) _____, (*occupation*),
swear (*or solemnly affirm*) that I know the following persons who have
signed the within nomination paper, namely:—

and that they are duly qualified as electors in the electoral district of _____
to vote at an election of a member to
serve in the House of Commons of Canada, and that they respectively
signed the within nomination paper in my presence.

This oath (*or affirmation*) was _____
sworn (*or affirmed*) before me at _____ (*Signature of person attesting.*)
this _____ day of _____, 19 _____.

Returning Officer.

FORM No. 26.

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN MEMBERS TO BE
ELECTED. (Sec. 24.)

I hereby certify that the member elected for the electoral district
of _____, in pursuance of the within writ, is
(*insert name, address and occupation of member elected, as stated on the
nomination paper*), no other candidate having been nominated (*or the
other or all other candidates having withdrawn, as the case may be*).

Dated at _____ this _____ day of _____, 19 _____.

Returning Officer.

FORM No. 27.

NOTICE OF GRANT OF A POLL. (Sec. 25.)

Electoral District of _____
Province of _____

Public notice is hereby given to the electors of the electoral district
aforesaid, that a poll has been granted for the election now pending
for the said electoral district, and that such poll will be opened on
_____, the _____ day of _____,
19 _____, at the hour of eight o'clock in the forenoon and kept open until
the hour of six o'clock in the afternoon in the following polling stations
established in the various polling divisions comprised in the said elec-
toral district:

Polling Division No.: (*Here insert the description of the boundaries of the polling division, followed by the location of every polling station established therein.*)

(*Proceed as above in respect to all other polling divisions and polling stations.*)

Notice is further given, that the persons duly nominated as candidates in the above mentioned electoral district, and for whom only votes will be received, are:

1. } (*Insert the name, address and occupation of each candidate as given in*
 2. } *the nomination paper, and follow the name and particulars of each*
 3. } *with (in smaller type) the words "Official Agent" and the name,*
- address and occupation of the official agent appointed by him.*)

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at _____ this _____ day of _____, 19 ____.

(*Print name of returning officer.*)
Returning Officer.

FORM No. 28.

APPOINTMENT OF A DEPUTY RETURNING OFFICER. (Sec. 26.)

To (*insert name of D.R.O.*), whose occupation is (*insert occupation*) and whose address is (*insert address*).

Know you that I, in my capacity of returning officer for the electoral district of....., hereby appoint you to be deputy returning officer for polling station No..... of the said electoral district, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election at the said polling station on the _____ day of _____, 19 ____, at the hour of eight o'clock in the forenoon, at (*here describe particularly the location of the polling station*), and there to keep the said poll open until six o'clock in the afternoon, and to take at the said polling station, by ballot, in the manner by law provided, the votes of the electors qualified to vote at the said polling station, and after counting the votes given for the various candidates and performing all the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing two envelopes one containing the statement of the poll and another containing the poll book, the ballot papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, the list of electors and other documents used at the poll, and all other papers required by law.

Given under my hand at _____ this _____ day of _____, in the year 19 ____.

.....
Returning Officer.

FORM No. 29.

OATH OF A DEPUTY RETURNING OFFICER. (Sec. 26.)

I, the undersigned (*insert name of deputy returning officer*), appointed deputy returning officer for polling station No. _____ of the electoral district of _____, swear (*or solemnly affirm*) that I will act faithfully in my said capacity of deputy returning officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above mentioned polling station marks his ballot paper in my presence at this election. So help me God.

.....
Deputy Returning Officer.

CERTIFICATE OF A DEPUTY RETURNING OFFICER HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 19____, the deputy returning officer above named took and subscribed before me the oath (*or affirmation*) of office, required in such case of a deputy returning officer by section twenty-six of *The Dominion Elections Act, 1938*.

In testimony whereof I have issued this certificate under my hand.

.....
Justice of the Peace,
or
Returning Officer,
(or as the case may be).

FORM No. 30.

APPOINTMENT AND OATH OF A POLL CLERK. (Sec. 26.)

APPOINTMENT.

To....., whose occupation is.....,
(insert name of poll clerk) *(insert occupation)*
and whose address is.....
(insert address)

Know you, that in my capacity of deputy returning officer for polling station No. _____, of the electoral district of _____, I hereby appoint you to be poll clerk for the said polling station.

Given under my hand at _____ this
day of _____, in the year 19____.

.....
Deputy Returning Officer.

OATH OF A POLL CLERK. (Sec. 26.)

I, the undersigned, ..., appointed poll
(insert name of poll clerk)
clerk for the above mentioned polling station, swear (or solemnly affirm)
that I will act faithfully in my capacity of poll clerk, and also in that
of deputy returning officer, if required to act as such, according to law,
without partiality, fear, favour or affection, and that I will keep secret
the names of the candidates for whom any of the voters at the said
polling station marks his ballot paper in my presence at this election.
So help me God.

.....
Poll Clerk.

CERTIFICATE OF THE POLL CLERK HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the day of
the month of, 19,
(insert name of poll clerk)
poll clerk, for the above mentioned polling station, took and subscribed
before me the oath (or affirmation) of office required of a poll clerk in
such cases by section twenty-six of *The Dominion Elections Act, 1938.*

In testimony whereof I have delivered to him this certificate under
my hand.

.....
Deputy Returning Officer.
(or as the case may be)

FORM No. 31.

APPOINTMENT OF A POLL CLERK BY A POLL CLERK ACTING AS DEPUTY
RETURNING OFFICER. (Sec. 26.)

To....., whose occupation is
(insert name of Poll clerk) *(insert occupation)*
and whose address is.....
(insert address)

Know you, that in my capacity of acting deputy returning officer for
polling station No. of the electoral district of,
in consequence of the decease (or incapacity to act, or as the case may
be) of the deputy returning officer for the said polling station whose
poll clerk I was, I hereby appoint you to be poll clerk for the said polling
station of the said electoral district.

Given under my hand at this day
of, in the year 19

.....
Poll Clerk acting as Deputy Returning Officer.

*(The oath and certificate of its having been taken will be the same as in the
case of a poll clerk appointed by the deputy returning officer.)*

FORM No. 32.

FORM OF BALLOT PAPER. (Sec. 28.)

Front

1 WILLIAM R. BROWN,
636 Power St., Ottawa, Barrister.

2 FRANK ARTHUR HAMON,
R.R. No. 3, Westboro, Farmer.

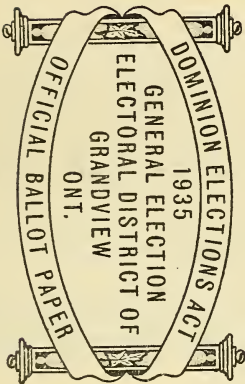
3 JOSEPH O'NEIL,
Eastview, Gentleman.

4 JOHN THOMAS SMITH,
239 Bank St., Ottawa, Merchant.

FORM No. 32. (Concluded)

FORM OF BALLOT PAPER.

Back.



POLLING DAY:
September 14th, 1935.
JAMES BROWN, Printer,
260 Slater St., Ottawa, Ont.

Serial No. 325

(Line of Perforations here.)

Space for initials of D.R.O.

No.....

(Line of Perforations here.)

Space for consecutive number given to voter opposite his name in Poll Book.

FORM No. 33.

AFFIDAVIT OF PRINTER. (Sec. 28 (6).)

I, ... of the of
, ... make oath and say:—
 (occupation)

1. That I am
 (Insert "the sole member" or "one of the members of the firm of" or)

 ("the of the Co. Ltd.", or as the case may be.)
 hereinafter called "the printer" by whom or by which ballot papers
 have been printed for the pending election in the electoral district of
 for a member to serve in the House of
 Commons of Canada.

2. That sheets for ballot papers numbered as follows, namely:

 were delivered to the said printer by the returning officer for the printing
 of the said ballot papers which were printed with the names of
 candidates, each
 (Insert number of candidates)
 of the said sheets thus cutting into ballot papers.
 (Insert number of ballots)

3. That the number of ballot papers properly printed and delivered to
 the said returning officer was and that no
 other ballot papers have been supplied to any other person.

4. That sheets numbered as follows, namely
 were not required and have been returned to the returning officer in
 the condition in which they were received.

5. That every piece of ballot paper spoiled in printing has been
 delivered to the returning officer.

6. *And that the ballot papers having been printed with the names of
 candidates, the cut off portions of all the sheets out of which
 ballot papers were cut have been returned to the said returning officer
 for return to the Chief Electoral Officer, the same being arranged in
 numerical order according to the numbers printed thereon.

SWORN (or affirmed) before me
 at in the Province
 of this
 day of 19....

.....
 (Signature of printer)

.....
 Returning Officer,
 (or as the case may be)

* Strike out this paragraph unless six, eight, nine, ten, twelve or more candidates are running.

FORM No. 34.

DIRECTIONS TO ELECTORS. (Sec. 36 (1).)

Each elector may vote only at one polling station and for only one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The elector will go into one of the compartments, and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without opening the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If an elector votes for more candidates than he is entitled to vote for or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil and John Thomas Smith and the elector has marked his ballot paper in favour of John Thomas Smith.

FORM No. 34. (*Concluded*)

1 WILLIAM R. BROWN,
636 Power St., Ottawa, Barrister.

2 FRANK ARTHUR HAMON,
R.R. No. 3, Westboro, Farmer.

3 JOSEPH O'NEIL,
Eastview, Gentleman.

4 JOHN THOMAS SMITH,
239 Bank St., Ottawa, Merchant.

X

FORM No. 35.

OATH OF AGENT OF A CANDIDATE, OR ELECTOR REPRESENTING
CANDIDATE. (Sec. 34.)

I, the undersigned (*insert name of candidate's agent*), agent for (*or*
elector representing) (*insert name of candidate*), one of the candidates
at the Dominion election held on this day in the electoral district of
do swear (*or solemnly affirm*) that I will keep
secret the names of the candidates for whom any elector voting at this
polling station marks his ballot paper in my presence at this election.
So help me God.

.....
(*Signature of agent or elector*)

Sworn (*or affirmed*) before me at , this
day of , 19 .

.....
Deputy Returning Officer
(*or as the case may be.*)

FORM No. 36.
POLL BOOK (Sec. 36 (5)).

Consecutive number given each elector as he applies for a ballot	Particulars of elector			
	Name of elector. (Family name first)	Occupation	Post office address	Consecutive number of elector on the list of electors

Form numbers of oaths, if any, the elector is required to swear	Record that oaths sworn or refused. (If sworn, insert "Sworn", if refused, insert "Refused to be sworn")	Particulars of person vouching, in a rural polling division only, under section forty-six, for an elector whose name is not on the list.		
		Name	Consecutive number of elector on list of electors	Record that oath (Form 45) sworn (when sworn insert "sworn")

Record that elector has voted. — (When ballot put into ballot box, insert "Voted")	Remarks

FORM No. 37.

OATH OF QUALIFICATION. (Sec. 39 (1).)

(1) You swear (or affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that you were ordinarily resident in this electoral district on the day of , 19 (naming the date of the issue of the writ of election); (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day.)

(2) That you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(3) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting, at this election; and

(4) That you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

Alternatives to paragraph one of above oath which may be substituted for that paragraph at the request of an elector who is a clergyman, teacher, pupil or summer resident: (The following paragraphs numbered (1), (2) and (3) being applicable only at a general election)

FORM NO. 37 (1): *Clergymen.* (Sec. 16.)

You swear (*or affirm*) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*), you are now a minister, priest or ecclesiastic of a religious denomination in charge of or permanently attached to an established place of worship or recognized mission of your church situate in this electoral district.

FORM NO. 37 (2): *Teachers.* (Sec. 16.)

You swear (*or affirm*) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*), you are a teacher employed under a contract with the proper educational authority in teaching at a school situate in this electoral district.

FORM NO. 37 (3): *Pupils.* (Sec. 16.)

You swear (*or affirm*) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*), you are a pupil duly registered and in attendance at an educational institution situate in this electoral district and have been so registered and in attendance during at least seven of the last twelve months.

FORM NO. 37 (4): *Summer residents.* (Sec. 16.)

You swear (*or affirm*) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and were ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*); (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day), as a summer resident, but that your summer residence in this electoral district either does not ordinarily remain unoccupied during some or all of the months of November to April, inclusive, or, if it does so remain unoccupied, you had nevertheless at the date aforesaid no other quarters than your summer residence to which you might at will remove.

FORM No. 38.

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral District of.....

Polling Station No.....

I, the undersigned....., do swear
(or solemnly affirm)

(1) That I am of the full age of twenty-one years;

(2) That I am a British subject by birth or naturalization;

(3) That I have been ordinarily resident in Canada for at least
twelve months immediately preceding this polling day;

(4) That I was ordinarily resident in the above mentioned electoral
district at the date of the issue of the writ for the pending election;

(5) That I am not, to the best of my knowledge and belief, dis-
qualified as an elector in the above mentioned electoral district under
any of the provisions of *The Dominion Elections Act, 1938*;

(6) That I am the person intended to be referred to by the entry
in the official list of electors for this polling station under Consecutive

No.....of the name of.....

(*name as in list of electors*), whose occupation is given as.....

.....(*occupation as in list of electors*), and whose address is
given as.....(*address as in list of electors*).

(7) That.....is my true name and that
the signature hereto is in my usual handwriting (or in case of an
illiterate elector—that the mark placed hereto is my usual method
of signing my name).

SWORN (or affirmed) before me	}	
at.....		
this.....day of.....		 <i>Signature of deponent.</i>
19....		

.....
Deputy returning officer

FORM No. 39.

OATH THAT ELECTOR IS THE PERSON INTENDED TO BE REFERRED TO IN
THE LIST OF ELECTORS. (Sec. 41.)

You swear that you are qualified to vote at this election of a member to serve in the House of Commons of Canada and are not disqualified from voting thereat, and that you verily believe that you are the person intended to be referred to by the entry, in the list of electors used at this polling station, of the name (*name as in list of electors*) whose occupation is given as (*occupation as in list of electors*) and whose address is given as (*address as in list of electors*). So help you God.

FORM No. 40.

TRANSFER CERTIFICATE. (Sec. 43.)

No.....

Electoral District of.....

This is to certify that (*insert name of elector*) , whose name appears on the list of electors for polling station No..... in the above mentioned electoral district, whose occupation, as stated in the said list, is (*insert occupation*), and whose address, as stated therein, is (*insert address*).....,

Strike out
inapplicable
lines

- { (1) is a candidate at the pending election desirous of voting
(2) has been appointed to act as deputy returning officer or poll clerk
(3) has shown to me his appointment to act as agent for a candidate

at polling station No. of the said electoral district.

And that, instead of voting at the polling station on the list for which his name appears, he may vote at the last mentioned polling station, provided that he is a candidate at the pending election, or is actually engaged at such polling station on polling day in the capacity aforesaid.

Dated at....., this.....
day of....., 19....

.....
Returning Officer or Election Clerk.

FORM No. 41.

OATH OF CANDIDATE'S AGENT TO BE TAKEN BEFORE VOTING ON A
TRANSFER CERTIFICATE (Sec. 43 (2).)

Electoral District of

I, the undersigned, make oath and say:

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of;
(insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed; that I have taken the oath of secrecy in Form No. 35 of *The Dominion Elections Act, 1938*; that I am a British subject of the full age of twenty-one years; that I have been ordinarily resident in Canada for the last twelve months and I was ordinarily resident in this electoral district on the day of 19.... (*naming the date of the issue of the writ of election*); (and, at a by-election, I have continued to be ordinarily resident, in this electoral district, until to-day.)

(4) That I am not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting, at this election; and

(6) That I have not already voted at this election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

Sworn (*or affirmed*) before me }
at polling station No..... }
this..... }
day of....., 19..... }
(Signature of deponent)

.....
Deputy Returning Officer.

FORM No. 42.

OATH OF IDENTITY BY AN ELECTOR RECEIVING A BALLOT PAPER AFTER
ANOTHER HAS VOTED IN HIS NAME. (Sec. 45 (5).)

You swear that you are (*name as on list of electors*), of (*address as on list of electors*), whose name is entered on the list of electors now shown you. So help you God.

FORM No. 43.

OATH OF INCAPACITATED ELECTOR. (Sec. 45 (7).)

You swear that you are incapable of voting without assistance by reason of your being unable to read or by reason of physical incapacity. So help you God.

FORM No. 44.

OATH OF FRIEND OF BLIND ELECTOR. (Sec. 45 (9).)

(1) You swear (*or affirm*) that you will keep secret the name of the candidate for whom you mark the ballot paper of the blind elector on whose behalf you act.

(2) That you have not already acted as the friend of a blind elector for the purpose of marking his ballot paper at this election. So help you God.

FORM No. 45.

OATH OF PERSON WHOSE NAME IS NOT ON THE OFFICIAL LIST OF ELECTORS
FOR A RURAL POLLING DIVISION AND WHO IS QUALIFIED TO VOTE.
(Sec. 46.)

(1) You swear (*or affirm*) that you are a British subject of the full age of twenty-one years; that you have been ordinarily resident in Canada for the last twelve months and that you were ordinarily resident in this electoral district on the.....day of....., 19.... (*naming the date of the issue of the writ of election*); (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day.)

(2) That you now reside in this polling division;

(3) That you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(4) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at this election; and

(5) That you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

NOTE: *When the elector is a clergyman, teacher, pupil or summer resident, there will, at his request, be substituted for the first paragraph of this oath, the appropriate alternative according to Form 37 (1), 37 (2), 37 (3), 37 (4) as the case may require.*

FORM NO. 46.

OATH OF PERSON VOUCHING. (Sec. 46.)

(1) You swear (or affirm) that you are (*name as in list of electors*), whose occupation is (*occupation as on list of electors*), and whose address is (*address as in list of electors*), and that you now reside in this polling division;

(2) That you know (*naming the applicant and stating his address and occupation*) who has applied to vote at the pending election in this polling station;

(3) That the said applicant now resides in this polling division;

*(4) That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that he was ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*); (and, at a by-election, he has continued to be ordinarily resident in this electoral district until to-day.)

(5) That you verily believe that the applicant is qualified to vote at this election and is not disqualified from voting thereat. So help you God.

Alternatives to paragraph four of above oath which may be substituted for that paragraph when the elector vouched for is a clergyman, teacher, pupil or summer resident: (The following paragraphs numbered (1), (2) and (3) being applicable only at a general election).*

FORM NO. 46 (1): Clergymen. (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*), he is now a minister, priest or ecclesiastic of a religious denomination in charge of or permanently attached to an established place of worship or recognized mission of his church situate in this electoral district.

FORM NO. 46 (2): Teachers. (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ of election*), he is a teacher employed under a contract with the proper educational authority in teaching at a school situate in this electoral district.

FORM NO. 46 (3): Pupils. (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not

ordinarily resident in this electoral district on the _____ day of _____, 19____ (*naming the date of the issue of the writ of election*), he is a pupil duly registered and in attendance at an educational institution situate in this electoral district and has been so registered and in attendance during at least seven of the last twelve months.

FORM NO. 46 (4): *Summer residents.* (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and was ordinarily resident in this electoral district on the _____ day of _____, 19____ (*naming the date of the issue of the writ of election*); (and, at a by-election, he has continued to be ordinarily resident in this electoral district until to-day), as a summer resident, but that his summer residence in this electoral district either does not ordinarily remain unoccupied during some or all of the months of November to April, inclusive, or, if it does so remain unoccupied, he had nevertheless at the date aforesaid no other quarters than his summer residence to which he might at will remove.

FORM NO. 47.

INFORMATION FOR PERSONATION. (Sec. 48).

Province of	Canada	} . }
County of		

The information of _____ taken this _____ day of _____, in the year _____, before the undersigned, a deputy returning officer at a polling station in the _____ of _____ for an election being held for the electoral district of _____ of a member of the House of Commons.

The said informant says that he believes that (*insert the name of the accused or, if it is not known then "a person whose name is to the informant unknown but who is now detained in the polling station by the order of the undersigned"*) on this day at the said polling place did commit the offence of personation by (*describe the offence in words following those of section sixty-eight, (a) (b), of The Dominion Elections Act, 1938.*)

Taken and sworn before me at the said polling station, the day and year above mentioned.

.....
Deputy Returning Officer.

FORM

OATH OF CONSTABLE.

I, the undersigned, appointed constable by the above named deputy returning officer, swear (*or solemnly affirm*) that I will act faithfully in my capacity of constable on this polling day.

.....
(Signature of constable)

SWORN (*or affirmed*) before me
on the above mentioned date.

.....
Deputy Returning Officer
(or as the case may be)

FORM No. 52.

OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL. (Sec. 50 (7).)

I, the undersigned, deputy returning officer for polling station No. _____, of the electoral district of _____,

do swear (*or solemnly affirm*) that, to the best of my knowledge and belief, this poll book kept for the said polling station, under my direction, has been so kept correctly; that the total number of voters recorded therein is _____, and that it contains a true and exact record of the votes given at the said polling station, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement of the poll, poll book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, will be faithfully and truly prepared and placed within the ballot box, as this oath (*or affirmation*) will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

.....
Deputy Returning Officer.

Sworn (*or affirmed*) before me at _____,

this _____ day of _____, 19 _____.

.....
Poll Clerk
(or as the case may be)

FORM No. 53.

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.
(Sec. 50 (7).)

I, the undersigned, poll clerk for polling station No.
of the electoral district of , do swear (or do
solemnly affirm) that this poll book for the said polling station kept
under the direction of....., who has acted as deputy
(insert name of D.R.O.)
returning officer thereat, has been so kept by me, under his direction
as aforesaid, correctly and to the best of my skill and judgment; that
the total number of voters recorded therein is and that
to the best of my knowledge and belief, it contains a true and exact
record of the votes given at the above mentioned polling station as the
said votes were taken thereat by the said deputy returning officer,
and that I have faithfully performed all my other duties as poll clerk
according to law.

.....
Poll Clerk.

Sworn (or affirmed) before me at
this day of , in the year 19 .

.....
Deputy Returning Officer
(or as the case may be).

FORM No. 54.

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.
(Sec. 50 (8).)

Electoral District of.....Polling Station No.....

Number of ballot papers received from the returning officer.....		
Number of ballot papers cast for.....		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
Number of *REJECTED ballot papers.....		
(* A REJECTED ballot paper means a ballot paper which has been handed by the deputy returning officer to an elector to cast his vote but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.)		
Total number of ballot papers found in box.....		
Number of unused ballot papers undetached from the books.....		
Number of **SPOILED ballot papers.....		
(** A SPOILED ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the deputy returning officer to be soiled or improperly printed, or which has been handed by the deputy returning officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the deputy returning officer and exchanged for another;)		
Total.....		

Number of names on official list of electors used at the poll.....

I hereby certify that the above statement is correct.

Dated at.....
this.....day of....., 19... }

.....
Deputy Returning Officer.

FORM No. 55.

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES, OR OF ANY CUSTODIAN OF BALLOT BOXES. (Sec. 50 (9).)

I, *(insert name, address and occupation of messenger or custodian)* messenger or custodian appointed by *(insert name of returning officer)*, returning officer for the electoral district of _____ swear *(or solemnly affirm)* that the several boxes to the number of _____ of this electoral district on polling day, now delivered by me to _____ were handed to me by *(insert names of D. R. O.'s or authorized custodian from whom ballot boxes have been received)*, that they have not been opened by me or any other person; and that they are in the same state as they were in when they came into my possession.

.....
(Signature of Messenger or Custodian)

Sworn *(or affirmed)* before me at
this _____ day of _____, in the year 19 ____.

.....
Returning Officer
(or as the case may be).

FORM No. 56.

RETURN AFTER A POLL HAS BEEN TAKEN. (Sec. 56.)

I hereby certify that the member *(or members)* elected for the electoral district of _____, in pursuance of the within writ, as having received the majority of votes lawfully given, is *(insert name, address and occupation of member or members elected, as stated in the nomination paper)*.

Dated at _____ this _____ day of _____, 19 ____.

.....
Returning Officer.

FORM No. 57.

RETURN OF ELECTION EXPENSES. (Sec. 63.)

Electoral District of _____
On behalf of _____, a Candidate.

CERTIFICATE OF PERSON BEFORE WHOM STATUTORY DECLARATION IS MADE

This is the return of election expenses referred to in the statutory declaration of _____, which said statutory declaration (in Form Nos. 58, 59 and 60 in Schedule One to *The Dominion Elections Act, 1938*) was declared before me at _____ this _____ day of _____, 19 ____.

.....
Returning Officer
(or as the case may be)

RETURN.

I, _____ of _____, in the province of _____, being official agent for a candidate at the election of a member to serve in the House of Commons of Canada, held on the *(insert date of poll)* day of _____, 19____, in the above mentioned electoral district, make the following return respecting the election expenses of the said candidate at the said election.

1—RECEIPTS.

(a) Money or its value received.

There are accurately set out hereunder the name and occupation of every person (including the candidate) and of every club, society, company or association, from whom any money, securities or the equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, showing in the case of each person the amount or value received as a contribution (including subscription or gift), loan, advance, deposit or otherwise:—

Name	Address	Occupation	State whether contribution, loan, advance or deposit	Amount or value
.....				
.....				
Total				

(b) Money or its value promised but not received.

In addition to the foregoing items, the persons (including the candidate), clubs, societies, companies or associations hereunder mentioned are all who have promised to pay but have not yet paid money or its equivalent for the purposes of expenses incurred, or to be incurred, on account of or in respect of the conduct or management of the said election, and the amount or value promised by them respectively, with its character, is set out after their names:—

Name	Address	Occupation	State whether contribution, loan, advance, deposit, etc.	Amount or value
.....				
.....				
Total				

2—PAYMENTS MADE NOT REQUIRING A JUDGE’S ORDER.

(a) Candidate’s personal expenses, postage, telegrams and petty claims.

Personal expenditure of candidate paid by him personally and notified to me under section 62 (4).			Petty expenses paid under written authority under section 62 (17, 18), the statements of particulars being attached and numbered consecutively.		
Paid by me as his official agent.....			Consec. No.	Name	Amount
Total.....					
Postage paid by me.....					
Telegrams paid by me.....					
				Total.....	

(b) Hire of premises.

There are set out below the name and address of every person, club, society, company and association from whom premises were hired for the purpose of the election, with a description of the premises so hired, the purpose for which and the length of time during which the same were used, and the amount paid therefor, vouchers for all the said payments for which vouchers have been received being attached hereto and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name of person from whom premises hired	Address	Description of premises hired	Purpose for which used	Time for which used	Amount paid
Total						

(c) Advertising.

The following statement contains the name and address of every person, club, society, company and association to whom any payment (not already set out) was made for advertising, with a description of such advertising and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Name of publication	Dates of issues	Amount
Total					

3—UNDISPUTED CLAIMS STILL UNPAID OR UNDER A JUDGE'S ORDER.

The following statement contains the names and addresses of all persons whose undisputed claims were received too late, or remained unpaid too long, to be payable without a judge's order and in respect of which such an order has been or is about to be applied for, together with particulars of the nature of the claim, its amount, etc., as below set out:—

Name	Address	Nature of claim	Paid or unpaid	If paid, date of order or judgment	Amount
.....					
.....					
Total					

4—DISPUTED CLAIMS.

In addition to the above, I am aware as official agent for the said candidate of the following (and only of the following) disputed and unpaid claims, the names and addresses of the claimants, the character of the claims respectively and the amount thereof being as set out below:—

Name	Address	Character of disputed account	Amount
.....			
.....			
Total			

(a) Services.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for work done, with a description of the nature of the work done and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Nature of work done	Amount paid
.....				
.....				
Total				

(b) Travelling expenses and hire of vehicles.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for travelling expenses or the hire of vehicles with the amounts paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Nature of claim	Amount
.....				
.....				
Total				

(c) Goods supplied.

The following statement contains the name and address of every person, club, society, company or association to whom any payment (not already set out) was made, for goods supplied, with a description of the goods supplied and the amounts paid to each, vouchers for such payments being attached hereto so far as the same have been received and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Description of goods supplied (If only hired, so state and give duration)	Amount paid
.....				
.....				
Total				

FORM No. 58.

OFFICIAL AGENT'S DECLARATION AS TO EXPENSES. (Sec. 63 (2).)

I, _____, being official agent of _____, a candidate at the election held on the _____ day of _____, 19____, of a member to serve in the House of Commons of Canada, do hereby solemnly declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election and now shown to me by the officer before whom this declaration is made and to the best of my knowledge and belief that return is correct:

And I hereby further solemnly declare that except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, company or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly declare that I have received from the said candidate the sum of (*insert "No" if the fact is so*) _____ dollars and no more for the purposes of said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given or deposited by any one to me or in my hands, or to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of, the conduct or management of the said election;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the *Canada Evidence Act*.

.....
(Signature of declarant)

Signed and declared before me by the above named declarant at _____, in the province of _____, on the _____ day of _____, 19____,

.....
Returning Officer.
(or as the case may be)

FORM No. 59.

CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 63 (3).)

(Ordinary Form.)

1. I, _____, whose address
 is _____ and whose occupation
 is _____, having been a
 candidate at the election of a member to serve in the House of Commons
 of Canada, for the electoral district of _____, held on
 the *(insert date of poll)* day of _____, 19____, do hereby
 solemnly declare that I have examined the return of election expenses
 transmitted or about to be transmitted by my official agent to the
 returning officer at the said election, a copy of which return is now
 shown by me and signed by the officer before whom this declaration is
 made, and to the best of my knowledge and belief that return is correct;

2. And I further solemnly declare that, except as appears from that
 return, I have not, and to the best of my knowledge and belief no
 person, nor any club, society, company or association has, on my
 behalf, made any payment, or given, promised, or offered any reward,
 office, employment, or valuable consideration, or incurred any liability
 on account of or in respect of the conduct or management of the said
 election;

3. And I further solemnly declare that I have paid to my said official
 agent the sum of _____ and no more for the purpose
 of the said election, and that, except as specified in the return, no
 money, security, or equivalent for money has to my knowledge or
 belief been paid, advanced, given or deposited by any one to or in the
 hands of my official agent or any other person for the purpose of defray-
 ing any expenses incurred on my behalf on account of or in respect of
 the conduct or management of the said election;

4. And I further solemnly declare that I will not, except so far as I
 may be permitted by law, at any future time make or be party to the
 making or giving of any payment, reward, office, employment, or valu-
 able consideration for the purpose of defraying any such expenses as
 last mentioned, or provide or be party to the providing of any money,
 security, or equivalent for money for the purpose of defraying any such
 expenses;

And I make this solemn declaration conscientiously believing it to
 be true and knowing that it is of the same force and effect as if made
 under oath, by virtue of the *Canada Evidence Act*.

.....
(Signature of Declarant).

Signed and declared before me by the above named declarant at
 _____, in the Province of _____,
 on the _____ day of _____, 19____,

.....
Returning Officer.
(or as the case may be)

FORM No. 60.

CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 63 (3).)

(Alternative Form)

1. I, _____, whose address is _____ and whose occupation is _____, having been (*insert "in my absence nominated as" or "declared by others to be"*) a candidate at the election of a member to serve in the House of Commons of Canada for the electoral district of _____ held on the (*insert the date of poll*) day of _____, 19____, do hereby solemnly declare that I have taken no part whatever in the said election;

2. And I further solemnly declare that, with the exceptions under-noted, I have not, and no person, club, society, company or association on my behalf, has made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration or incurred any liability on account of or in respect of the conduct or management of the said election;

Exceptions:

3. And I further solemnly declare that, with the exceptions under-noted, I have not paid any money or given any security or equivalent for money to the person acting as my official agent at the said election, or to any other person, club, society, company or association on account of or in respect of the conduct or management of the said election;

Exceptions:

4. And I further solemnly declare that, with the exceptions under-noted, I am entirely ignorant of any money, security, or equivalent for money having been paid, advanced, given or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election;

Exceptions:

5. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time, make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the *Canada Evidence Act*.

.....
Signature of Declarant.

Signed and declared before me by the above named declarant at _____, in the province of _____, on the _____ day of _____, 19____.

.....
Returning Officer.
(or as the case may be)

FORM No. 61.

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10).)

ELECTORAL DISTRICT OF.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of *The Dominion Elections Act, 1938*, (an advance poll (s) will be opened in the above mentioned electoral district for the ^{city}_{town}_{village} of (*Here particularly specify in capital letters the name of the place at which an advance poll is authorized to be established*) at (*Here specify in capital letters the exact location of the polling station for such place; one will be sufficient*), and continue by specifying any other places for which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station (s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday and Saturday the ,

and days of , 19 , being the three week days immediately preceding the day fixed for the poll at the pending Dominion election in the above mentioned electoral district. and that any elector of this electoral district whose name appears on the list of electors for one of the polling divisions comprised in any place mentioned in Schedule Two to *The Dominion Elections Act, 1938*, and situated in the above mentioned electoral district, and who is entitled to the privilege of voting at an advance poll may vote in advance of polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

- (a) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938*, or upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day, in the polling division on the list for which his name appears; and
- (b) such persons as are members of the naval, military or air forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active service

service or for annual training or he is engaged in, or called to the performance of naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears.

And further take notice that advance poll certificates can be had only from the returning officer, the election clerk, or from Mr.
(Insert name and address)
 who has been specially deputized by the returning officer to issue such certificates.

And further take notice that the office of the undersigned is at
 , in the *(city, town or village)* of
 Dated at this day of , 19 .

(Name of returning officer to be printed.)

Returning Officer for the above mentioned Electoral District.

FORM No. 62.

ADVANCE POLL CERTIFICATE AND STATEMENT OF IDENTIFICATION. (Sec. 96.)

CERTIFICATE.

I hereby certify that *(insert full name of applicant voter)*, whose occupation as given in the official list of electors is *(insert occupation)*, whose address as so given is *(insert address)*, and whose signature appears hereunder above mine, has personally appeared before me and has satisfied me:—

(1) That he is now employed
(insert: "by the Railway Company in the capacity of
" or "on the vessel known as the
in the capacity of " or "by
as a commercial traveller," or as the case may be), and

(2) That by reason of the nature of his said employment and in the course thereof he is necessarily absent from time to time from his ordinary place of residence, and

(3) That he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote at the pending election on polling day in, the undermentioned polling division on the list of electors whereof his name appears. (or—That he is a member of the Naval, Military or Air Forces of Canada or of the Royal Canadian Mounted Police, and, (because he is called out on active service or for

annual training or he is engaged in, or called to the performance of naval, military or other duty in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list for which his name appears, and

(4) That he is the person intended to be described by the entry of the name, occupation and address above set out on the official list of electors entitled to vote at this election in polling division No. , in the electoral district of .

And I accordingly certify that he is a person entitled to vote at any advance poll established in the said electoral district on the conditions prescribed in *The Dominion Elections Act, 1938*.

Dated at this day
of , 19 .

.....
(Signature of applicant voter).

.....
Returning Officer.
(or as the case may be)

STATEMENT OF IDENTIFICATION AND DECLARATION.

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from home on polling day are correct, and that I verily believe myself to be the person intended to be referred to by the entry in the official list of electors, the particulars of which are transcribed in the above certificate.

I am aware that, having presented this certificate at an advance polling station, I am not entitled to vote at an ordinary poll on polling day.

.....
(Signature of voter).

SCHEDULE TWO

NAMES OF PLACES WHERE ADVANCE POLLS SHALL BE ESTABLISHED BY
RETURNING OFFICERS

(NOTE that the following names are those of cities, towns and other places, and not in any case the names of electoral districts).

Alberta.—Calgary, Edmonton, Edson, Hanna, Jasper, Lethbridge, Macleod, McLennan, Medicine Hat, Mirror, Vermilion, Wainwright, Waterways.

British Columbia.—Burnaby, Cranbrook, Kamloops, McBride, Nelson, New Westminster, North Vancouver, Penticton, Prince George, Prince Rupert, Revelstoke, Smithers, Vancouver, Victoria.

Manitoba.—Brandon, Dauphin, East Kildonan, Minnedosa, Portage la Prairie, Souris, St. Boniface, The Pas, Transcona, West Kildonan, Winnipeg.

New Brunswick.—Aroostook Junction, Campbellton, Edmundston, Fredericton, Lancaster Highway Division, Moncton, Saint John, Woodstock.

Nova Scotia.—Bridgewater, Halifax, Kentville, Pictou, Stellarton, Sydney, Truro, Yarmouth.

Ontario.—Barrie, Belleville, Brantford, Brockville, Capreol, Chatham, Cochrane, Chapleau, Cornwall, East York Township, Englehart, Fort William, Galt, Goderich, Guelph, Hamilton, Havelock, Hawk Junction, Hornepayne, Kenora, Kingston, Kitchener, Lindsay, London, MacTier, Midland, Mimico, Nakina, New Toronto, Niagara Falls, North Bay, Orillia, Oshawa, Ottawa, Owen Sound, Palmerston, Parry Sound, Peterborough, Port Arthur, Port Dover, Port McNicoll, Preston, Rainy River, St. Catharines, St. Mary's, St. Thomas, Sarnia, Sarnia Tunnel, Sault Ste. Marie, Schreiber, Sioux Lookout, Smith's Falls, Stratford, Sudbury, Toronto, Trenton, Welland, Windsor, Wingham, Woodstock, York Township.

Prince Edward Island.—Charlottetown.

Quebec.—Amos, Charny, Farnham, Hull, Joliette, Lennoxville, Levis, Montreal, Mont Joli, Outremont, Parent, Quebec, Richmond, Riviere du Loup, Rouyn, St. Gabriel de Brandon, St. Hyacinthe, Sherbrooke, Sorel, Three Rivers, Verdun, Westmount.

Saskatchewan.—Biggar, Humboldt, Kamsack, Melville, Moose Jaw, North Battleford, Prince Albert, Radville, Regina, Saskatoon, Sutherland, Swift Current, Weyburn, Wilkie, Wynyard, Yorkton.

Yukon.—None.

SCHEDULE THREE.

LIST OF ELECTORAL DISTRICTS IN WHICH AN INTERVAL OF TWO WEEKS
BETWEEN NOMINATION AND POLLING DAYS IS TO BE ALLOWED.

PROVINCE OF ONTARIO:

Algoma East.
Algoma West.
Cochrane.
Fort William.
Frontenac-Addington.
Grey-Bruce.
Hastings-Peterborough.
Kenora-Rainy River.
Muskoka-Ontario.
Nipissing.
Parry Sound.
Port Arthur.
Renfrew North.
Renfrew South.
Timiskaming.
Victoria.

PROVINCE OF QUEBEC:

Chapleau.
Charlevoix-Saguenay.
Gaspé.
Pontiac.
St. Maurice-Lafèche.

PROVINCE OF NOVA SCOTIA:

Inverness-Richmond.

PROVINCE OF MANITOBA:

Brandon.
Churchill.
Dauphin.
Lisgar.
Macdonald.
Marquette.
Neepawa.
Portage la Prairie.
Provencher.
Selkirk.
Souris.
Springfield.

PROVINCE OF
BRITISH COLUMBIA:

Cariboo.
Comox-Alberni.
Kamloops.
Kootenay East.

PROVINCE OF

BRITISH COLUMBIA—*Conc.*

Kootenay West.
Skeena.
Vancouver North.
Yale.

PROVINCE OF SASKATCHEWAN:

Assiniboia.
Humboldt.
Kindersley.
Lake Centre.
Mackenzie.
Maple Creek.
Melfort.
Melville.
Moose Jaw.
North Battleford.
Prince Albert.
Qu'Appelle.
Regina City.
Rosetown-Biggar.
Rosthern.
Saskatoon City.
Swift Current.
The Battlefords.
Weyburn.
Wood Mountain
Yorkton.

PROVINCE OF ALBERTA:

Acadia
Athabaska.
Battle River.
Bow River.
Camrose.
Jasper-Edson.
Lethbridge.
Macleod.
Medicine Hat.
Peace River.
Red Deer.
Vegreville.
Wetaskiwin.

YUKON TERRITORY:

Yukon.

2 GEORGE VI.

CHAP. 47.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1934, c. 53;
1935, cc. 20,
61.

1. (1) Paragraph (d) of subsection one of section two of *The Farmers' Creditors Arrangement Act, 1934*, chapter fifty-three of the statutes of 1934, is repealed and the following substituted therefor:—

Interpreta-
tion.

“(d) ‘creditor’ includes a secured creditor and, notwithstanding the absence of privity of contract between the debtor and any of the persons hereinafter mentioned, a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor or any part thereof and, in case the debtor holds real property under an agreement of sale or under an assignment of an agreement of sale, the vendor of such property or any person entitled under an assignment by such vendor;”

“Creditor”.

(2) Section twelve of the said Act is amended by adding thereto as subsections twelve, thirteen and fourteen the following:—

Proposal
filed prior to
commence-
ment of
this Act.

“(12) If, in the case of a proposal filed prior to the coming into force of this subsection, a debt secured by mortgage, hypothec, pledge, charge, lien or privilege on or against any property of the farmer (hereinafter referred to as the secured debt) has not, by reason of the absence of privity of contract between the farmer and a secured creditor as herein defined, been dealt with by way of a composition, extension of time or scheme of arrangement, the farmer shall be entitled to have the proposal proceeded with or to file a new proposal, in either case, for the purpose of having

the

the secured debt dealt with by way of composition, extension of time or scheme of arrangement in the like manner and with the like results as if this subsection had been in force at the date of the filing of the original proposal.

Proposal formulated by a Board of Review prior to the commencement of this Act.

(13) In the case of a proposal formulated by a Board of Review prior to the coming into force of this subsection whereby a secured debt was dealt with, the farmer shall, notwithstanding the absence of privity of contract between himself and a secured creditor as herein defined, be entitled to have such proposal confirmed by the Board of Review in the like manner and with the like results as if this subsection had been in force at the date of the filing of his proposal by the farmer, or if such proposal was confirmed prior to the coming into force of this subsection it shall be binding as if it had been confirmed after the coming into force of this subsection.

If title has been extinguished prior to the commencement of this Act.

(14) The provisions of the two next preceding subsections of this section shall not apply in any case where by an order or judgment of a Court of competent jurisdiction the title of any farmer to any lands or chattels has been extinguished prior to the coming into force of such subsections."

2. Paragraph (*j*) of subsection one of section two of the said Act is repealed and the following substituted therefor:—

"Proposal."

"(*j*) 'proposal' means a proposal for a composition, extension of time or scheme of arrangement made hereunder."

Subsection repealed.

3. Subsection three of section two of the said Act is repealed.

4. The said Act is further amended by inserting therein immediately after section six thereof the following section:—

Legal representative of deceased farmer may apply.

"**6A.** (1) In the event of the death of a farmer occurring on or after the third day of July, 1934 who

(*a*) has made a proposal under this Act which has not been finally disposed of at the date of his death, or

(*b*) was at the date of his death unable to meet his liabilities as they became due,

the legal representative of the decedent may apply to the Court

(i) for an order to continue proceedings under the proposal filed, or

(ii) for leave to make and file a proposal on behalf of the estate of the decedent

as the case may be.

Order of the Court.

(2) The Court, upon being satisfied that a member of the family of the decedent resides and will continue to reside upon the farm of the decedent and intends and is

able to operate the same may, *ex parte*, upon such terms and conditions as the Court deems fit, by order, grant such application.

(3) Upon any such order being made, the legal representative of the decedent shall be entitled to proceed with a proposal filed or to be filed in the like manner and with the like results as the decedent might have done if death had not ensued, and the provisions of this Act shall in the case of such proposal apply in all respects as in the case of any other proposal made under this Act.

Proposal to be proceeded with.

(4) In this section unless the context otherwise requires, the expression

Interpretation.

(a) 'legal representative' means the executor, administrator or other personal representative of a person according to the law of that part of Canada to which the context extends;

"legal representative".

(b) 'member of the family' means a parent, or a widow or widower, or a brother or sister, or a child of the decedent."

"member of the family".

5. The said Act is further amended by inserting therein immediately after section ten thereof, the following section:—

"10A. Notwithstanding any of the provisions of the *Bankruptcy Act*, in any case where the affairs of a farmer have been arranged by means of a proposal for a composition, extension of time or scheme of arrangement approved by the Court or confirmed by the Board as in this Act provided, if the farmer defaults in carrying out any of the terms of the composition, extension or scheme aforesaid and if such default was not due to causes beyond the control of the farmer, the Court may, on the application of any secured or unsecured creditor, annul the composition, extension of time or scheme of arrangement, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition, extension or scheme.

Court may annul composition in case of default.

R.S., c. 11.

(2) In any case where the Court has annulled the composition, extension of time or scheme of arrangement as provided in the next preceding subsection, the farmer shall be deemed to have committed an act of bankruptcy within the meaning of section three of the *Bankruptcy Act* and Part I of the *Bankruptcy Act* shall notwithstanding section seven thereof apply to such farmer."

Farmer deemed to have committed act of bankruptcy.

6. Subsection one of section eleven of the said Act, as enacted by section three of chapter twenty of the statutes of 1935, is repealed and the following substituted therefor:—

"11. (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have

Stay of proceedings.

R.S., c. 11.

have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the *Bankruptcy Act*, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security unless with leave of the court and on such terms as the court may impose: Provided, however, that the stay of proceedings herein provided shall only be effective until the date of the final disposition of the proposal."

Board of Review.

7. Subsection one of section twelve of the said Act is repealed and the following substituted therefor:—

"12. (1) The Governor in Council may, whenever he considers it expedient, establish in any province one or more Boards of Review which shall exercise in such province the jurisdiction hereinafter provided."

No new proposal after a certain date.

8. The said Act is further amended by inserting therein immediately after section nineteen thereof the following section:—

"20. On and after a date to be fixed by proclamation of the Governor in Council, no new proposal shall be made or filed by any farmer or accepted by any Official Receiver in any province in respect of which the said proclamation is issued."

Termination in provinces other than Saskatchewan and Alberta.

9. The said Act is further amended by adding to section eleven, as subsection three, the following:—

"(3) No proposal shall be received in either of the provinces of Manitoba and British Columbia later than the thirtieth day of June, 1939, nor in any other province except the provinces of Saskatchewan and Alberta later than the thirty-first day of December, 1938: Provided that this subsection shall not apply to farmers who are soldier settlers within the meaning of the Soldier Settlement Act."

2 GEORGE VI.

CHAP. 48.

An Act to amend the Income War Tax Act.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 97;
1928, cc. 12,
30;
1930, c. 24;
1931, c. 35;
1932, cc. 43,
44;
1932-33, cc. 14
15, 41;
1934, cc. 19,
55;
1935, cc. 22,
40;
1936, cc. 6, 38.

1. Paragraph (p) of section two of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as enacted by section three of chapter thirty-eight of the statutes of 1936, is amended by adding at the end thereof the following proviso:

“Provided, however, that the definition aforesaid shall not include a corporation the main business of which is the making of loans of five hundred dollars or less.”

“Small
Loan
Companies.”

2. Section two of the said Act, as amended by section one of chapter fourteen and by section two of chapter forty-one of the statutes of 1932-33, by section three of chapter forty of the statutes of 1935 and by section three of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

“(g) ‘Treasury Board’ means the Treasury Board as constituted under the *Department of Finance and Treasury Board Act*.”

“Treasury
Board.”
R.S., c. 71.

3. Section three of the said Act, as amended by section one of chapter fifty-five of the statutes of 1934, is further amended by adding thereto the following paragraph:—

“(g) Annuities or other annual payments received under the provisions of any will or trust, irrespective of the date on which such will or trust became effective, and notwithstanding that the annuity or annual payments are in whole or in part paid out of capital funds of the estate or trust and whether the same is received in periods longer or shorter than one year.”

“Annuities.”

4. Section four of the said Act, as amended by section three of chapter twelve of the statutes of 1928, by section two of chapter twenty-four of the statutes of 1930, by section two of chapter fourteen and by section three of chapter forty-one of the statutes of 1932-33, by section two of chapter fifty-five of the statutes of 1934, by section four of chapter forty of the statutes of 1935 and by section four of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

Dividends
from wholly
owned
subsidiary
non-resident
companies.

“(r) Dividends received, directly or through any other subsidiary company, by a company incorporated in Canada whose shares are held by the public, from a wholly owned (less directors’ qualifying shares) subsidiary non-resident company, if the Minister is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada:

Provided, however, that the exemption hereunder shall be allowed only if and to the extent that the country in which the subsidiary company is carrying on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada:

And provided further that the exemption allowed hereunder in any one fiscal period of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal period of and in the fiscal period next preceding the declaration of such dividend:

And provided further that ‘capital’ for the purposes of this paragraph means all assets owned or employed in the business of such Canadian company and all of its wholly owned subsidiary companies, other than all inter-company obligations between such companies and any good will.”

5. Subsection one of section five of the said Act, as amended by sections four, five and six of chapter twelve of the statutes of 1928, by section three of chapter twenty-four of the statutes of 1930, by sections four, five and six of chapter forty-three of the statutes of 1932, by section four of chapter forty-one of the statutes of 1932-33, by section four of chapter fifty-five of the statutes of 1934 and by section five of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

“(m)

“(m) In the case of any lump sum payment made in Canada by an employer on account of an employees’ superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the said fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which the payment is made: Provided, however, that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the 1938 fiscal period and in each fiscal period thereafter until ten years have elapsed from the year of the lump sum payment.”

Lump sum payments to superannuation or pension funds.

6. Subsection one of section six of the said Act, as amended by section six of chapter forty-one of the statutes of 1932-33 and by section six of chapter forty of the statutes of 1935, is further amended by adding thereto the following paragraph:—

“(l) Royalties paid by persons who are not residents of Canada out of royalties received by such persons from sources within Canada.”

Royalties.

7. The said Act is further amended by inserting after section thirty-two the following sections:—

“32A. (1) Where any person or corporation ordinarily resident in Canada enters upon any transaction, procedure or arrangement with any person or corporation resident outside of Canada, which, but for the enactment of this section, had or would have the effect of reducing the liability to taxation hereunder of the person or corporation aforesaid ordinarily resident in Canada, such last mentioned person or corporation shall be and continue to be liable to taxation hereunder to the same extent as if the transaction had not been entered upon: Provided, however, that this section shall apply only if the Treasury Board after consideration has made a ruling that the transaction was entered upon for the purpose of avoiding liability to taxation under this Act.

Transactions reducing liability to taxation.

(2) In the case of any appeal from an assessment, the Court shall have jurisdiction to review the ruling of the Treasury Board hereunder.

Appeal.

“32B. Where on winding up or otherwise a company distributes any assets to its shareholders without sale or at a sale price substantially below the fair market price, which assets if sold at the market price would create income of the corporation within the meaning of this Act, the Minister shall have power to determine the fair market price of such assets and the company shall be deemed to have sold such assets at the price so determined and thereby

Transactions reducing liability to taxation.

to have received income subject to tax and the distributable portion received by a shareholder or member shall be deemed to be a dividend.

'Company' includes associations and the members thereof."

8. The schedule of rates at the end of subsection one of section eighty-eight of the said Act, as enacted by section fourteen of chapter forty of the statutes of 1935, is repealed and the following substituted therefor:—

Gift Tax
Rates.

"On gifts up to and including \$25,000— 5%
On gifts exceeding—

25,000 but not exceeding \$	50,000—	6%	
50,000	“ “	100,000—	7%
100,000	“ “	200,000—	8%
200,000	“ “	300,000—	9%
300,000	“ “	400,000—	10%
400,000	“ “	500,000—	12%
500,000	“ “	1,000,000—	14%
1,000,000			—15%”

9. Subsection eight of section eighty-eight of the said Act, as enacted by section fourteen of chapter forty of the statutes of 1935, and amended by section nineteen of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

Exemption
from Gift
Tax.

"(g) gifts or donations made in any year, if the aggregate value thereof does not exceed an amount equal to one-half of the difference between the income of the taxpayer in the next preceding year and the income tax which was payable thereon."

Interest on
increased
tax.

10. Any increase of tax imposed by this Act in respect of the years 1936 or 1937 or fiscal periods ending therein shall bear interest from the first day of September, 1938.

Taxation
periods
affected.
Sections
1, 2, 3 and 6.
Sections
4, 5, 8 and 9.

11. (1) Sections one, two, three and six of this Act shall be applicable to the income of the year 1937 and fiscal periods ending therein and of all subsequent periods.

(2) Sections four, five, eight and nine of this Act shall be applicable to income and gifts of the year 1938 and fiscal periods ending therein and of all subsequent periods.

Section 7.

(3) Section seven of this Act shall be applicable to the income of the year 1936 and fiscal periods ending therein and of all subsequent periods.

2 GEORGE VI.

CHAP. 49.

An Act to assist in the Construction of Houses.

[Assented to 1st July, 1938.]

WHEREAS *The Dominion Housing Act, 1935*, has encouraged the building of houses by persons with moderate incomes but the facilities of the Act have not been largely used by persons with small incomes or by persons living in small or remote communities; and Whereas, it is desirable to stimulate the construction of houses to be owned by persons with small incomes and by persons living in remote or small communities; and Whereas, as a result of the low level of building activity during the recent depression, the employability and efficiency of the urban population may be adversely affected by reason of congestion in potential slum areas and of overcrowding in housing accommodation which falls short of minimum standards of health and amenity; and Whereas, such decline of employability and efficiency may retard the full employment of the working population living under such conditions; and Whereas, the task of providing adequate housing accommodation at rentals within the capacity of low income groups to pay is, in its aspects of public health, morals and minimum living conditions, primarily a responsibility of the provinces and municipalities; and Whereas, nevertheless, it is in the national interest that a limited experiment in low-rental housing should be undertaken now, creating needed employment and directing public attention to the importance of housing problems generally, and providing a basis of experience on which the provinces and municipalities may follow sound and proven policies in the future; and Whereas, high real estate taxes have been a factor retarding the construction of new houses and it is therefore desirable to encourage prospective home owners to construct houses for their own occupation by paying a proportion of the municipal taxes on such houses for a limited period: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1935, c. 58.
Preamble.

Short title.

1. This Act may be cited as *The National Housing Act, 1938*.

PART I.

DOMINION HOUSING LOANS.

Definitions.

"Approved
lending
institution".
1935, c. 58.

"Cost of
construction".

"House".

"Lending
institution".

"Lending
value".

"Local
authority".

"Minister".

Investigations
and plans.

2. In this Part, unless the context otherwise requires,—
(a) "approved lending institution" means a lending institution approved by the Governor in Council under *The Dominion Housing Act, 1935*, and any lending institution approved by the Governor in Council for the purpose of making loans under this Part;

(b) "cost of construction" means the actual expenditure for building, the cost of the land, architectural and legal expenses and any other expense necessary to complete the house;

(c) "house" means a building intended exclusively for human habitation comprising one or more self-contained dwelling places;

(d) "lending institution" means a loan, insurance, trust or other company or corporation authorized to lend money on the security of real or immovable property;

(e) "lending value" means the estimated cost of construction of a house or its appraised value whichever is the lesser;

(f) "local authority" means any province, municipality, society, association, corporation or commission having authority to undertake a housing scheme;

(g) "Minister" means the Minister of Finance.

3. The Minister, with the approval of the Governor in Council, may

(a) carry on or arrange for the carrying on of investigations as to housing conditions and the adequacy of existing housing accommodation in Canada or any part of Canada and as to the best means to be adopted to improve housing conditions;

(b) make investigations as to plans or proposals that have been adopted elsewhere than in Canada and the results that have been achieved therefrom;

(c) make investigations as to the factors that enter into the cost of construction of houses and as to the feasibility by any means of securing economies and increased efficiency in such construction;

(d) prepare suitable plans for low-cost houses, conduct competitions for low-cost housing plans, purchase such plans or otherwise compensate persons taking part in such competitions and provide for the sale or distribution of such plans; and

(e) generally take such steps as he may deem necessary or desirable to promote sound and economical construction of houses and to improve housing conditions.

4. (1) The Minister may, with the approval of the Governor in Council, enter into a contract with an approved lending institution or local authority to join with such institution or local authority in the making of loans to assist in the building of houses under conditions hereinafter mentioned. Advances.

(2) The conditions upon which a loan may be made under this section shall be as follows:— Conditions.

(a) a loan shall be made only for the purpose of assisting in the construction of a house according to sound standards approved by the Minister and subject to supervision by the lending institution or local authority or the Minister;

(b) the advance made jointly by the Minister and the lending institution or local authority shall not be less than seventy per centum and not more than eighty per centum of the lending value of the house: Provided however that in the case of a single family dwelling to be constructed for an owner for his own occupation where the lending value does not exceed two thousand five hundred dollars, the advance made jointly by the Minister and the lending institution or local authority shall not be less than fifty per centum and not more than ninety per centum of the said lending value;

(c) the advance made by the Minister shall not exceed twenty-five per centum of the total advance made jointly by the Minister and the lending institution or local authority, and the interest payable to His Majesty in respect of the advance shall be at a rate to be fixed by the terms of the contract;

(d) the rate of interest and other charges to be charged the borrower in respect of any loan and the lending value of any house shall be subject to approval by the Minister;

(e) the loan shall be for such period and upon such terms as to payment of principal, interest and taxes by monthly instalments as the Minister shall determine and shall be secured by a first mortgage or hypothec on the house given in favour of the Minister representing His Majesty and the lending institution or local authority jointly;

(f) except as provided by paragraph (g) of this subsection, any loss sustained in respect of any loan shall be borne by His Majesty and the lending institution or local authority in such proportions as are fixed by the terms of the contract;

(g) in order to encourage the making of small loans in small or remote communities and in certain districts of other communities, the terms of the contract with any lending institution or local authority may provide that

the Minister shall pay losses sustained by the said lending institution or local authority in respect of loans, which do not exceed four thousand dollars in the case of a single family dwelling or six hundred dollars per habitable room in the case of a multiple family dwelling, made in such communities or districts as may be designated by the Minister up to certain amounts specified in a schedule of amounts fixed by the Minister, graduated downwards in accordance with the size of the loan and graduated upwards in accordance with the percentage which the loan bears to the lending value of the single family dwelling or the multiple family dwelling, as the case may be, but the maximum amount of such losses sustained by the said lending institution or local authority to be paid by the Minister shall not exceed,

(i) in the case of loans for eighty per centum of the lending value an amount equal to twenty per centum of the total amount of such loans advanced by the said lending institution or local authority; and

(ii) in the case of loans for ninety per centum of the lending value an amount equal to twenty-five per centum of the total amount of such loans advanced by the said lending institution or local authority;

(h) in order to encourage the making of small loans in small or remote communities designated by the Minister the terms of the contract with any lending institution may provide that the Minister may make payments to the said lending institution to assist it in making any loans for amounts not exceeding four thousand dollars in said communities: Provided that any such payment shall not exceed twenty dollars for any one loan together with an allowance fixed by the Minister for necessary travelling expenses based upon the distance from the nearest place from which the loan can be arranged and supervised by said lending institution; and

(i) such other conditions as are stipulated in the contract between the Minister and the lending institution or local authority as will safeguard the interest of His Majesty.

Loans by
lending
institutions.

5. Notwithstanding any restriction on its power to lend money contained in any other statute or law, any lending institution subject to the jurisdiction of Parliament may lend on the security of a first mortgage or hypothec given in favour of the Minister and the lending institution jointly pursuant to the provision of this Part, an amount up to eighty per centum of the lending value of a house or up to ninety per centum of the lending value of a house where said lending value is not in excess of two thousand five hundred dollars.

6. The Minister may make advances and pay losses, salaries and other necessary expenses out of unappropriated moneys in the Consolidated Revenue Fund to the amount of twenty million dollars, less the advances made under the authority of *The Dominion Housing Act, 1935*.

Advances and payment of losses, salaries and other expenses.

1935, c. 58.

7. The Governor in Council may fix and determine a date on and after which no loans under this Part may be made or on and after which no loans in excess of a stipulated maximum figure may be made or on and after which no loans may be made to assist in the construction of a house containing more than one self-contained dwelling place.

Limit of time.

8. (1) Subject to the provisions of this Part, the Governor in Council may by order or regulation

Regulations.

(i) determine the manner in which the cost of construction of a house shall be estimated and by whom and in what manner the appraisal of the value of a house shall be made;

(ii) prescribe sound standards of construction and what arrangements shall be made to assure adequate supervision of houses during the course of their construction;

(iii) prescribe the information to be given by an applicant for a loan under this Part;

(iv) determine the manner in which losses incurred in connection with loans made under this Part shall be established;

(v) define, for the purposes of this Part, the expressions, "habitable room," "multiple family dwelling," and "single family dwelling;"

(vi) make provision for any other matters concerning which orders or regulations are deemed necessary or desirable to carry out the purposes and intentions of this Part.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

9. The Minister shall annually prepare a report with regard to loans made under the provisions of this Part during the preceding calendar year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

Annual report.

Laid before Parliament.

10. *The Dominion Housing Act, 1935*, chapter fifty-eight of the statutes of 1935, is repealed.

Act repealed.

11. Part I of this Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

Coming into force of Part I.

PART II.

LOW-RENTAL HOUSING.

"Cost of construction of houses built under a low-rental housing project".

"Cost of construction of a family housing unit".

"Economic rental of a family housing unit".

"Family housing unit."

"Family of low income."

"House."

"Limited dividend housing corporation."

"Local housing authority."

12. In this Part, unless the context otherwise requires:—

(a) "cost of construction of houses built under a low-rental housing project" means the actual expenditure for building, the cost of the land (including site development), architectural and legal expenses and any other expenses necessary to complete the project; and "cost of construction of a family housing unit" means that portion of the total cost of construction of the houses built under a low-rental housing project which is attributable to the particular unit, the total cost of construction being apportioned between the various family housing units on the basis of the relative housing accommodation provided;

(b) "economic rental of a family housing unit" means a rental at the rate of nine and one-half per centum per annum of the cost of construction of a family housing unit plus an amount sufficient to pay that portion of the estimated normal annual taxes levied by the municipality on the completed project which is attributable to the particular family housing unit;

(c) "family housing unit" means a single house or a single apartment (with the appropriate joint facilities) in a duplex or apartment house, providing accommodation for one family, and constituting part of a low-rental housing project;

(d) "family of low income" means a family which receives a total family income which is less than five times the economic rental of a family housing unit providing sufficient accommodation for the said family;

(e) "house" includes any single house or dwelling, duplex or apartment house, providing housing accommodation built in accordance with a low-rental housing project;

(f) "limited-dividend housing corporation" means any corporation which is organized to construct, hold and manage houses built as a low-rental housing project subject to conditions as to limitation of dividends on capital stock and as to rentals to be charged on said houses which comply with the provisions of this Part and regulations made hereunder, and whose books, accounts and records are to be maintained in the form prescribed by regulations made hereunder;

(g) "local housing authority" means any municipality, society, association, corporation or commission having authority to construct, hold and manage houses built as a low-rental housing project, and includes a limited-dividend housing corporation;

- (h) "low-rental housing project" means a scheme undertaken to provide decent, safe and sanitary housing accommodation (including incidental commercial space) to be leased to families of low income, which accommodation may be leased to such families at less than the economic rental therefor; "Low-rental housing project."
- (i) "metropolitan area" means a city and one or more adjacent municipalities in the same province in close economic relationship with the city; "Metropolitan area."
- (j) "Minister" means the Minister of Finance; "Minister."
- (k) "municipality" means a city, town or incorporated village. "Municipality."

13. (1) The Minister, with the approval of the Governor in Council, may, out of any unappropriated moneys in the Consolidated Revenue Fund, make loans, not exceeding in the aggregate thirty million dollars, to local housing authorities for the purpose of assisting in the construction of houses to be built under a low-rental housing project and to be leased to families of low income. Loans to local housing authorities.

(2) Any such loan shall not exceed ninety per centum of the cost of construction of the houses to be built under a low-rental housing project and shall be secured by a first mortgage or hypothec upon the houses given in favour of the Minister representing His Majesty: Provided, however, that in the case of a loan to a limited-dividend housing corporation any such loan shall not exceed eighty per centum of the cost of construction of the houses to be built under a low-rental housing project: And provided, further, that any such loan shall not exceed an average sum of two thousand four hundred dollars for each family housing unit in the case of a loan to a limited-dividend housing corporation and an average sum of two thousand seven hundred dollars for each family housing unit in the case of a loan to a local authority other than a limited-dividend housing corporation. Loans not to exceed ninety per cent of cost of construction and to be secured by first mortgage.

(3) Loans made to a local housing authority which is a limited-dividend housing corporation shall bear interest at the rate of one and three-quarters per centum per annum payable half-yearly and loans made to a local housing authority which is not a limited-dividend housing corporation shall bear interest at the rate of two per centum per annum payable half-yearly. The local housing authority shall, if a limited-dividend housing corporation, make equal semi-annual payments of one and seven-eighths per centum of the principal amount of the loan and shall if not a limited-dividend housing corporation, make equal semi-annual payments of two per centum of the principal amount of the loan to provide for the interest on and amortization of the loan. Loans to local housing authority.

14. Loans may be made only to a local housing authority which has entered into a contract with the Minister to build houses under a low-rental housing project:— Payments by housing corporation.

To whom loans may be made.

Conditions.

- (a) if the low-rental housing project has been approved by the municipality in which the houses are to be built and if said municipality or other appropriate authority has agreed that taxes of all kinds, including school taxes, levied in respect of the property owned by the local housing authority shall not exceed in the aggregate one per centum of the cost of construction of the houses built under the low-rental housing project and that no taxes shall be levied on the income of the local housing authority; and
- (b) if the local housing authority, not being a limited-dividend housing corporation, has secured from the government of the province concerned an agreement on the part of the province to pay annually to the Minister any part of the amount of the total semi-annual payments for interest and principal which are not paid to the Minister by the local housing authority in respect of loans made under this Part; or if the local housing authority, being a limited-dividend housing corporation, has secured from the municipality concerned an agreement that, if at any time before the loan made by the Minister has been fully paid off, its net earnings are insufficient to pay the full amount of the semi-annual payments due to the Minister under subsection three of section thirteen of this Act, the said municipality will forego all taxes payable at the time or thereafter by the local housing authority to the said municipality or such lesser amount as will enable the local housing authority to pay in full the semi-annual payments for principal and interest required to be made to the Minister; and
- (c) if evidence satisfactory to the Minister has been furnished of the need for the low-rental housing project by reason of shortage, overcrowding, congestion or the substandard character of existing housing accommodation in the municipality or the metropolitan area in which the low-rental houses are to be constructed; and
- (d) if the area in which the houses to be built under the low-rental housing project has in the opinion of the Minister been adequately planned and if zoning regulations are sufficient to assure the suitability of the area for such houses throughout the term of the loan and to provide reasonable safeguards for the security of the investment and if adequate municipal services are available or are to be supplied forthwith to residents of said area; and
- (e) if the low-rental housing project for which a loan is requested involves construction of a sufficient number of family housing units to assure, in the opinion of the Minister, reasonable economies in the construction

- and management of the houses to be built under the low-rental housing project; and
- (f) if, in the opinion of the Minister, the organization and management of the local housing authority are such as to assure competent and independent administration in the planning, construction and operation of the low-rental housing project; and
 - (g) if, in the opinion of the Minister, adequate care has been exercised to assure economical and suitable design of the houses, and sound construction of such a type as will assure the minimum practicable expenditures for repairs and maintenance during the term of the loan; and
 - (h) if the terms for acquisition by the local housing authority of the land upon which the houses are to be constructed are satisfactory to the Minister; and
 - (i) if the family housing units to be provided are to be leased to families of low income; and
 - (j) if the powers given to the local housing authority and the activities or transactions which are prohibited to it by its charter or other instrument of incorporation are satisfactory to the Minister; and
 - (k) if the local housing authority, in the opinion of the Minister, has or is able to provide funds sufficient, when added to the proceeds of the loan made by the Minister, to pay the entire cost of construction and assure the completion of the houses to be built as a low-rental housing project.

15. Each contract with a local housing authority shall provide that: Conditions
of contract.

- (a) no family housing unit shall be leased to any family whose total family income is equal to or more than five times the economic rental of such family housing unit, unless a designated official of the municipality concerned certifies that there is not a demand for such family housing unit from families whose total family income is less than five times the economic rental;
- (b) the annual rental to be charged for each family housing unit, excluding charges for water and heating, shall be not more than one-fifth of the estimated total income of the family to which the family housing unit is to be leased: Provided, however, that the rental to be fixed for each family housing unit in the low-rental housing project must be such as to provide an aggregate rent roll (including the rental of incidental commercial space and any contributions made by the government of the province or by the municipality under section seventeen of this Act) sufficient to pay the actual carrying charges of the low-rental housing project, that is to say, (i) interest and amortization charges of

one and seven-eighths per centum or two per centum, as the case may be, semi-annually on the amount of the loan made by the Minister, (ii) taxes (not in excess of one per centum of the cost of construction), (iii) all management and administrative expenses, and a reasonable allowance for repairs and maintenance and vacancies, but the Minister may disallow any expense or allowance which he deems to be excessive or unreasonable, and (iv) in the case of a limited-dividend housing corporation, a dividend not in excess of five per centum of the paid-up capital of the said corporation;

- (c) the local housing authority shall maintain books, records and accounts in form satisfactory to the Minister; permit the inspection of such books, records, and accounts at any time; and make an annual report to the Minister in such detail as he may require;
- (d) the local housing authority shall agree to provide efficient management of the low-rental housing project, keep the houses in a satisfactory state of repair, and permit representatives of the Minister to inspect the houses at any time;
- (e) the local housing authority shall agree to collect rentals promptly and to pay to the Minister semi-annually an amount equal to one and seven-eighths per centum or two per centum, as the case may be, of the principal amount of the loan made by the Minister together with any surplus earnings not required to pay the other carrying charges of the low-rental housing project (as specified in paragraph (b) of this section),
- (f) the local housing authority, if a limited-dividend housing corporation, shall give an option to the municipality concerned to buy the low-rental housing project at any time at a price equal to the paid-up capital of the corporation plus the amount of any unpaid dividends: Provided, however, that said option shall not be exercised unless the municipality has secured an agreement on the part of the government of the province concerned to pay thereafter semi-annually to the Minister any part of the amount of the semi-annual payments for interest and principal which are not paid to the Minister by the local housing authority in respect of loans made under this Part; and
- (g) the Minister shall have the right, in the event of a local housing authority failing to maintain the low-rental character of the housing project or otherwise violating the contract with the Minister, or in the event of a third party acquiring the project in any manner whatsoever (otherwise than as provided in paragraph (f) hereof), to declare the unpaid principal of the loan due and payable forthwith or to increase

the interest payable thereafter on the unpaid balance of said loan to a rate at least one per centum in excess of the average rate of interest payable on securities of the Government of Canada then outstanding.

16. (1) Subject to the provisions of this Part, the Governor in Council, may by order or regulation: Orders and regulations.

(i) determine what specific items shall be included in cost of construction;

(ii) prescribe sound standards of construction and what arrangements shall be made to assure adequate supervision of houses during the course of their construction;

(iii) prescribe the conditions and procedures under which the proceeds of a loan may be advanced to a local housing authority;

(iv) prescribe the books, accounts and records to be maintained by a local housing authority and the manner in which and the persons by whom they shall be audited, and the form of the annual report to be made to the Minister;

(v) determine the form of guarantee to be given by a provincial government;

(vi) specify the conditions upon which the Minister may approve the charter or other instrument of incorporation of a local housing authority;

(vii) prescribe the manner in which total family income shall be determined or estimated;

(viii) make provision for any other matters concerning which regulations are deemed necessary or desirable to carry out the purposes and intentions of this Part.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application shall be published in full, and all other orders and regulations or abstracts thereof shall be published in the *Canada Gazette*. Force and effect.

17. If, as a result of the high cost of a suitable site for a low-rental housing project or the high cost of construction or for any other reason, the level of rental charges made possible by a low-rental housing project under the provisions of the foregoing sections of this Part is such as to be burdensome for families receiving low incomes in the municipality concerned, the Minister may approve any agreement entered into between the said municipality or the government of the province concerned and the local housing authority under which agreement the said municipality or the said government undertakes to make periodic additional contributions to a rent reduction fund to be used by the local housing authority for the purpose of allowing further reductions in rentals charged for houses in the low-rental Additional contributions by provincial governments or municipalities in certain cases.

housing project under conditions approved by the Minister, the local housing authority and the government of the province or municipality making the said additional contributions.

Loans in proportion to population.

18. (1) The total loans made in any metropolitan area, or in any municipality which is not a part of a metropolitan area, shall not exceed that proportion of thirty million dollars which the population of the said metropolitan area or said municipality bears to the total urban population of Canada, on the basis of population figures shown by the census of 1931.

Limit of time.

(2) The Governor in Council may at any time fix and determine a date after which no loans shall be made to any local housing authority and in any case no loans shall be made and no contracts shall be entered into under the authority of this Part on or after March 31, 1940.

Employment of temporary technical and clerical staff.

19. The Governor in Council, on the recommendation of the Minister, may employ on a temporary basis architects and other technical and clerical staff necessary for the efficient administration of this Act, and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Report as to contracts and loans to be laid before Parliament.

20. The Minister shall prepare as of the close of each calendar year a report with regard to contracts entered into and loans made under the provisions of this Part during the year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

PART III.

ASSISTANCE TO MUNICIPALITIES IN RESPECT OF LOW-COST HOUSING.

Definitions.
"Cost of construction."

21. In this Part unless the context otherwise requires,—

"House."

"Minister."
"Municipal taxes."

(a) "cost of construction" means the actual expenditure for building, the cost of the land, architectural and legal expenses and any other expense necessary to complete the house;

(b) "house" means a single complete self-contained dwelling suitable for occupation by one family and not attached to or forming part of any other house;

(c) "Minister" means the Minister of Finance;

(d) "municipal taxes in respect of a house" means the increase in the general real estate taxes levied by the municipality or other appropriate authority upon the house and lot upon which the house is constructed for general municipal purposes and for schools resulting from the construction of the house, but does not include income taxes, special taxes, such as taxes for paving, sidewalks or snow removal or local improvement taxes.

(e) "municipality" includes a city, town, incorporated village, county, township, rural municipality, local improvement district or a province where such province is administering directly territory not organized into county or municipal units. "Municipality."

22. Subject to the provisions of this Part, the Minister may, with the approval of the Governor in Council, out of any unappropriated moneys in the Consolidated Revenue Fund, pay to a municipality, municipal taxes levied by such municipality in respect of a house, the construction of which is commenced during the period commencing June 1, 1938, and ending on December 31, 1940, or on such earlier date as may be fixed by the Governor in Council, as follows:— Payment of municipal taxes.

(i) one hundred per centum of municipal taxes in respect of such house for the first tax year in which the municipality levies municipal taxes in respect of such house;

(ii) fifty per centum of municipal taxes in respect of such house for the second tax year in which the municipality levies municipal taxes in respect of such house;

(iii) twenty-five per centum of municipal taxes in respect of such house for the third tax year in which the municipality levies municipal taxes in respect of such house.

23. The Minister shall not pay the whole of any part of the municipal taxes in respect of any house constructed in a municipality unless Conditions for payment.

(a) the municipality concerned, if it owns lots suitable for residential purposes, by bylaw or other appropriate proceeding makes an offer satisfactory to the Minister to sell a reasonable number of such lots at not more than \$50.00 per lot or, if the municipality has no power to sell such lots at such price, at not more than the lowest price at which the municipality may sell such lots, to persons who agree to begin the construction of houses for their own occupation within one year from the respective dates of purchase;

(b) the house is built for a person who will own and occupy it;

(c) the cost of construction of the house is not more than four thousand dollars;

(d) the assessment of the house is in conformity with the assessment of similar houses in the neighbourhood; and

(e) the owner of the house is released from the obligation of paying that portion of the municipal taxes in respect of such house paid by the Minister and receives the full benefit of the payment made by the Minister.

24. (1) Before any moneys are paid to a municipality under the authority of this Part, the municipality shall deliver to the Minister Duties of municipality.

- (a) a certificate or certificates signed by the appropriate officer of the municipality certifying
 - (i) the date upon which the construction of the house began,
 - (ii) the date upon which the construction of the house was completed,
 - (iii) the cost of construction of the house,
 - (iv) the municipal taxes in respect of such house and the manner in which they are calculated, and
 - (v) that the house is a house as defined in this Part, and containing such other information as the Minister may require;
- (b) a certified copy of the bylaw or other instrument under which the municipality, if it owns lots suitable for residential purposes offers to sell a reasonable number of such lots at not more than \$50.00 per lot or, if the municipality has no power to sell such lots at such price, at not more than the lowest price at which the municipality may sell such lots, to persons who agree to begin the construction of houses for their own occupation within one year from the respective dates of purchase;
- (c) a certificate signed by the owner of the house certifying
 - (i) the date upon which the construction of the house began,
 - (ii) the date upon which the construction of the house was completed,
 - (iii) the cost of the construction of the house,
 - (iv) that the house is a house as defined in this Part, and
 - (v) that he is the owner of the house and that it was built for him for his own occupation,
 and containing such other information as the Minister may require.

Minister may
require
additional
evidence.

(2) The Minister shall not be required to accept the foregoing certificates as conclusive evidence of any facts to be established before he pays the whole or any part of the municipal taxes in respect of any house to a municipality and may require other additional evidence.

Receipt in
duplicate.

(3) On the receipt of the payment by the Minister in respect of the municipal taxes on any house, the municipality concerned shall prepare a receipt in duplicate showing the portion of the municipal taxes paid by the Minister and shall send one duplicate receipt to the owner of the house and the other to the Minister.

Provisions
not to apply
in certain
cases.

25. The provision of this Part shall not apply
(a) to any house after the ownership thereof has changed
except upon the death of the owner;

- (b) to houses in any municipality, if in the opinion of the Governor in Council such municipality is not properly performing the duties to be performed by a municipality under this Part; and
- (c) to any house constructed under the provisions of Part II of this Act.

26. The Governor in Council on the recommendation of the Minister may employ on a temporary basis such technical and clerical staff as may be necessary for the efficient administration of this Part and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Employment
of temporary
technical and
clerical staff.

27. (1) Subject to the provisions of this Part, the Governor in Council may make all such orders and regulations as he may deem necessary or desirable to carry out the purposes and intentions of this Part.

Orders and
regulations.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

Force and
effect.

28. The Minister shall annually prepare a report with regard to payments made under the provisions of this Part during the preceding calendar year, and the report shall be laid before Parliament within fifteen days or, if Parliament is not then sitting, within fifteen days after the beginning of the next session.

Report to be
laid before
Parliament.

2 GEORGE VI.

CHAP. 50.

An Act respecting Radio in Canada.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Radio Act, 1938.*

Short title.

INTERPRETATION.

2. (1) In this Act, unless the context otherwise requires, Definitions.
- (a) "broadcasting" means the dissemination of any form "broad-casting."
of radioelectric communication, including radiotelegraph, radiotelephone and the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations;
- (b) "coast station" means any radio station which is established on land or on board a ship permanently moored and which is used for communication with ships at sea; "coast station."
- (c) "land station" means any radio station or installation of radio apparatus which is not a coast, mobile, ship, or private receiving station; "land station."
- (d) "Minister" means the Minister of Transport; "Minister."
- (e) "mobile station" means any radio station, other than a ship station or a private receiving station, which is capable of being moved and which ordinarily does move; "mobile station."
- (f) "operator" means a person employed, engaged or authorized to operate or assist in the operation of any radio transmitter, radio receiver or other radio apparatus at any coast, land or mobile radio station; "operator."
- (g)

"private receiving station."

(g) "private receiving station" means any house, room, vehicle, ship, aircraft, or other place wherein a radio receiving set intended solely for and capable of receiving broadcasting is located or installed;

"radio apparatus."

(h) "radio apparatus" means a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used for radioelectric communication, whether by transmission or reception or both;

"radio."

(i) "radio" means and includes radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves;

"radio station."

(j) "radio station", and the same expression when abbreviated as "station", means a station, other than a private receiving station, equipped with transmitting or receiving radio apparatus or both and intended for, or capable of being used for, any form of radioelectric communication, whether by transmission or reception or both;

"ship station."

(k) "ship station" means any radio station established on board a ship which is not permanently moored.

R.S., c. 1.

Application to radio stations or apparatus owned or operated on behalf of His Majesty in the right of the Province.

Taxation.

(2) Notwithstanding anything contained in the *Interpretation Act* or any other statute or law, the provisions of this Act shall be deemed to apply and to have full force and effect, according to their terms, in the case of all radio stations and private receiving stations or radio apparatus owned or operated by or on behalf of His Majesty in the right of any province: Provided, however, that nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make, render, or declare liable to taxation, any property belonging to His Majesty in the right of any province.

Powers of Governor in Council.

3. (1) The Governor in Council may

(a) prescribe the tariff of fees to be paid for licences and for examination for certificates of proficiency held and issued under the provisions of this Act;

(b) authorize the payment of a portion of the licence fees collected in respect of private receiving station licences to any person or department of government, approved by the Minister, for services rendered in connection with the issuance of such licences;

(c) accede to any international convention in connection with radio, and make such regulations as may be necessary to carry out and make effective the terms of such convention and prescribe penalties recoverable on summary conviction for the violation of such regulations: Provided that such penalties shall not exceed five hundred dollars and costs;

(d) make regulations for the censorship and controlling of radio signals and messages in case of actual or apprehended war, rebellion, riot or other emergency.

(2) Any person who violates any regulation made under this section for which no penalty is provided shall be liable upon summary conviction to a penalty not exceeding fifty dollars and costs or to imprisonment for a term not exceeding three months. Penalty.

4. (1) The Minister may make regulations

Ministerial
regulations.

(a) prescribing the form and manner in which applications for licences under this Act are to be made;

(b) classifying coast, land, and mobile stations, and prescribing the type of radio equipment to be installed, the frequencies to be used and the nature of the service to be rendered by the several classes of stations;

(c) defining the different kinds of licences that may be issued, their respective forms and the several periods for which they shall continue in force;

(d) prescribing the conditions and restrictions to which the several licences shall respectively be subject;

(e) prescribing that no radio receiving set or radio apparatus for installation or use as, or in, a private receiving station may be sold, repaired or maintained by any person until a licence is first obtained for such station;

(f) prescribing the different classes of certificate of proficiency of operators and the class of certificate, if any, necessary to qualify persons as operators for coast, land and mobile stations;

(g) for the examination of persons desiring to obtain certificates of proficiency as radio operators and to determine the qualifications in respect of age, term of service, skill, character and otherwise to be required by applicants for such certificates;

(h) to provide against any person divulging information received by means of a private receiving station;

(i) prescribing the watches, if any, to be kept by operators and the number of operators, if any, to be maintained at coast, land and mobile stations;

(j) for the inspection of radio stations;

(k) to compel all radio stations to receive, accept, exchange and transmit signals and messages with such other radio stations and in such manner as he may prescribe;

(l) for the effective carrying out of the provisions of this Act.

(2) Any person who violates any regulation made under this section shall be liable upon summary conviction to a penalty not exceeding fifty dollars and costs or to imprisonment for a term not exceeding three months. Penalty.

Station
licences.

5. No person shall establish any radio station or private receiving station, or install, operate or have in his possession any radio apparatus at any place in Canada or on any aircraft registered in Canada, except under and in accordance with a licence granted in that behalf by the Minister:

Proviso.

Motor car
radio.

Provided that this section shall not apply to any radio receiving set installed in any automobile or other vehicle temporarily in Canada which is owned by a *bona fide* tourist who resides out of Canada: Further provided that the Minister may for any reason deemed by him to be sufficient suspend from time to time the operation of the foregoing proviso either in general or as applicable to particular persons, zones or places in Canada.

Telegraph
lines.

6. All persons operating land or cable telegraph lines shall transmit all messages destined to or coming from any ship via coast stations under such rules as may be made by the Board of Railway Commissioners for Canada.

Radio
operator a
British
subject.

7. (1) No one shall be employed as a radio operator at any coast, land or mobile station unless he is a British subject.

Declaration
of secrecy.

(2) All radio operators at coast or land stations, or on mobile stations shall take and subscribe a Declaration of Secrecy in the form set forth in the Schedule to this Act, before a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered.

Disclosing
information
an offence.

(3) Every person who has made the Declaration of Secrecy and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed so to do, any information which he acquired by virtue of his employment, is guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Transmitting
false or
fraudulent
messages.

8. Any person who knowingly sends or transmits or causes to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram of any kind, or who without lawful excuse interferes with or obstructs any radio-communication, shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Search
warrant.

9. (1) If a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for believing that a radio station or a private receiving station has been established without a licence, or that any radio

apparatus has been installed, or is being operated, or is in possession of any person in any place in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant.

(2) A warrant so granted shall authorize the officer named therein to enter and inspect the station or place and seize any radio apparatus there installed, or found in operation or in possession of any person.

Warrant to enter and inspect premises and seize.

10. (1) Any person who establishes a radio station or private receiving station or installs, operates or has in his possession any radio apparatus, in violation of the provisions of this Act shall be liable—

Penalty for establishing stations without authority.

(a) in the case of the establishment of a private receiving station or the installation, operation or possession of radio apparatus intended for or capable of being used as a private receiving station, on summary conviction, to a fine not exceeding twenty-five dollars;

(b) in all other cases under this section, on summary conviction, to a fine not exceeding fifty dollars and, on conviction on indictment, to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months;

and in the case of any conviction under this section the radio apparatus or equipment, to which the offence relates, may be forfeited to His Majesty by order of the Minister for such disposition as the Minister may direct.

(2) Whenever any person is charged with an offence against section five of this Act, if he is proved to be the owner, tenant or the person in control of the premises, place, aircraft, automobile or other vehicle where any radio station or private receiving station or radio apparatus is found, there shall be a presumption that he did establish the radio station or private receiving station or that he did install, operate or have the said apparatus in his possession.

Burden of proof on accused.

(3) No proceedings shall be taken against any person under this section except by order of the Minister.

Ministerial order required to start proceedings.

(4) In every case of a summary conviction under this section the magistrate or justice of the peace shall, in addition to any other penalty imposed, award and order that the defendant shall pay to the prosecutor or complainant such proper costs as may be allowed under the provisions of Part XV of the *Criminal Code*.

Summary conviction.

Costs.

R.S., c. 36.

11. (1) His Majesty may, at any time, assume, and for any length of time retain, possession of any radio station, and of all things necessary to the sufficient working thereof,

His Majesty may take possession of station.

and may, for the same time, require the exclusive service of the operators and other persons employed in working the same.

Control by
Government
of possessed
station.

(2) The person owning or controlling the station shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such signals, calls and radiograms as they are required to receive and transmit by any duly authorized officer of the Government of Canada.

Compensation.

(3) If the Minister and the person owning or controlling any radio station taken possession of by the Crown under the provisions of this section cannot agree as to the compensation to be paid by the Crown for such taking possession, the Minister shall refer the matter to the Exchequer Court of Canada for adjudication and the provisions of the *Expropriation Act*, shall, *mutatis mutandis*, be applicable for the purpose of determining the amount of the compensation, if any, aforesaid, and the amount of any judgment upon proceedings instituted hereunder shall be payable out of the Consolidated Revenue Fund.

R.S., c. 64.

Fines to be
paid to
Receiver
General.

12. All fines imposed by this Act or regulations made thereunder shall belong to His Majesty in the right of the Dominion of Canada and they shall be paid to the Receiver General of Canada.

Action for
offence to
be taken
within
1 year.

13. In the case of any offence against any of the provisions of this Act or any regulation made hereunder, the complaint shall be made, or the information shall be laid, within one year from the time when the matter of complaint or information arose and not otherwise.

Regulations
to be
published in
Gazette.

14. All regulations made under this Act shall be published in the *Canada Gazette* and shall ten days after the date of publication or at any later date mentioned therein, take effect as if they were enacted by Parliament.

Repeal.

15. The *Radiotelegraph Act*, chapter one hundred and ninety-five of the Revised Statutes of Canada, 1927, is repealed.

SCHEDULE.

DECLARATION OF SECRECY.

I, A.B., solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as radio operator, and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information which I acquire by virtue of my employment as such operator, or which may come to my knowledge through the operation of any radio installation.

Declared before me at..... }
.....this.....day }
of.....19 ,..... }

.....
(Signature of declarant)

OTTAWA: Printed by JOSEPH OSCAR PATENAUD, I.S.O., Law Printer to the
King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 51.

An Act to amend The Seeds Act, 1937.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (c) of section two of *The Seeds Act, 1937*, chapter forty of the statutes of 1937, is repealed and the following substituted therefor:—

“(c) ‘control sample’ means a seed sample drawn from a seed lot by or on behalf of the grower or owner, on his own responsibility, and forwarded to a district office of the Plant Products Division, Production Service of the Department of Agriculture, for testing;”

2. Paragraph (k) of the said section is repealed and the following substituted therefor:—

“(k) ‘official sample’ means a seed sample officially drawn by an inspector and forwarded to a district office of the Plant Products Division, Production Service of the Department of Agriculture, to check a suspected violation of this Act;”

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

2 GEORGE VI.

CHAP. 52.

An Act to amend the Special War Revenue Act.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-paragraphs (vi) and (vii) of paragraph (b) of subsection two of section fifty-eight of the *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as enacted by section two of chapter forty-five of the statutes of 1936, are repealed and the following substituted therefor:

“(vi) One dollar or over one dollar per share, but not more than \$5 per share, one-quarter of one cent per share.

(vii) Less than one dollar per share, one-tenth of one per centum of the price or value.”

R.S., c. 179;
1928, c. 50;
1929, c. 57;
1930, c. 43;
1931, c. 54;
1932, c. 54;
1932-33, c. 50;
1934, c. 42;
1935, c. 33;
1936, c. 45;
1937, c. 41.

Excise tax
on change
of ownership
of bonds
and shares.

2. Paragraph (a) of section eighty-five of the said Act, as enacted by section fifteen of chapter fifty of the statutes of 1932-33, is repealed and the following substituted therefor:

“(a) “sale price” for the purpose of calculating the amount of the consumption or sales tax shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto and shall include any charges for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale whether these items be charged for separately or not and shall also include the amount of other excise duties when the goods are sold in bond; and in the case of goods subject to the taxes imposed by Parts X and XII of this Act, shall include the amount of such taxes; in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof.”

“Sale price.”

3. Subsection one of section ninety-six of the said Act is hereby repealed and the following substituted therefor:

Licensed
wholesaler
or jobber.

"96. (1) A *bona fide* wholesaler or jobber may be granted an annual licence and the Minister may prescribe a fee therefor not exceeding two dollars; provided, however, that if a wholesaler is not in possession of a licence on September 1st, 1938, no such licence shall be issued to him unless fifty per centum of his sales for the three months immediately preceding his application were exempt from the sales tax under the provisions of this Act."

Recovery of
penalties.

4. Paragraph (b) of subsection two of section one hundred and eight of the said Act, is repealed and the following substituted therefor:

R.S., c. 36.

"(b) by summary conviction under the provisions of the *Criminal Code* relating thereto."

5. Section one hundred and eleven of the said Act, as enacted by section twelve of chapter forty-two of the statutes of 1934, is repealed and the following substituted therefor:

Additional
penalties.

"111. (1) Every person who, being thereto liable, neglects, omits or refuses to pay any tax imposed by Parts IV to XIII inclusive, of this Act, in addition to any other penalty to which he is subject for any such offence, shall be liable on summary conviction to a penalty of not less than twenty-five dollars and not exceeding one thousand dollars and to a further penalty equal to the amount of the tax properly payable.

Penalty
under
Parts IV to
XIV.

(2) Every person who contravenes any requirements of Parts IV to XIV inclusive, of this Act or any regulations of the Minister under the said Parts for which no other penalty is provided, shall be liable on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

Personal
liability
where
offence by
incorporated
Company.

(3) Where any offence against this Act has been committed by an incorporated company every officer, director or agent of the company who directs, authorizes, condones, or participates in the commission of the offence, shall be liable to the like penalties as such company and as if he had committed the like offence personally, and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

Schedule.

6. Schedule II to the said Act, as enacted by section fifteen of chapter forty-five of the statutes of 1936, is repealed except the heading thereof, and Schedule I to this Act substituted therefor.

7. Schedule III to the said Act, as enacted by section Schedule.
sixteen of chapter forty-five of the statutes of 1936 and
as amended by section five of chapter forty-one of the
statutes of 1937, is repealed except the heading thereof,
and Schedule II to this Act substituted therefor.

8. This Act shall be deemed to have come into force Commence-
on the seventeenth day of June, one thousand nine-hundred ment of Act.
and thirty-eight, and to have applied to all goods mentioned
therein imported or taken out of warehouse for consumption
on and after that date, and to have applied to goods pre-
viously imported for which no entry for consumption was
made before that date.

SCHEDULE I

(being Schedule II to the *Special War Revenue Act*)
1. Cigars:—
(a) valued at not more than forty dollars
per thousand, per thousand.....fifty cents;
(b) valued at more than forty dollars
per thousand and not more than one
hundred and ten dollars per thousand,
per thousand.....three dollars;
(c) valued at more than one hundred and
ten dollars per thousand and not more
than one hundred and fifty dollars per
thousand, per thousand.....seven dollars;
(d) valued at more than one hundred and
fifty dollars per thousand and not more
than two hundred dollars per thousand,
per thousand.....ten dollars;
(e) valued at more than two hundred
dollars per thousand, per thousand...sixteen dollars.
Provided that the value on imported cigars shall be the
duty paid value as defined in section 79 of this Act; the
value on cigars manufactured in Canada shall include the
amount of excise duty payable thereon.

2. Sugar, etc.:—
(a) Materials enumerated in Customs
Tariff items 134, 135, 135(a), 135 (b),
139 (except glucose and grape sugar),
140 (except molasses); invert sugar and
syrup one cent per
pound;
(b) Glucose and grape sugar (except
when for use exclusively in the manu-
facture of leather and artificial silk)..one-half cent
per pound.

Provided that the tax hereby imposed under paragraph (a) shall not apply to the materials enumerated in Customs Tariff items 139 and 140, when sold in packages containing not more than ten pounds each.

3. Tires and Tubes:—

(a) Tires in whole or in part of rubber for automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said vehicles.....two cents per pound;

(b) Inner tubes for use in any such tires.three cents per pound.

Provided the tax hereby imposed shall not apply to the goods mentioned herein when used exclusively for the original equipment of such automotive vehicles.

SCHEDULE II

(being Schedule III to the *Special War Revenue Act*)

FOODSTUFFS

- Bread; Butter; Cheese; Cream; Eggs; Honey; Ice; Lard; Salt; Sugar;
- Apples, dried, desiccated or evaporated;
- Bakers' cake and pies not to include biscuits, cookies or other similar articles;
- Fish and products thereof;
- Flour, not including self-raising flour;
- Maple Syrup;
- Meats and poultry, fresh;
- Meats, salted or smoked (not to include the same when chopped, ground, parboiled or spiced);
- Milk, including buttermilk; condensed milk, evaporated milk and powdered milk;
- Vegetables and fruits in their natural state;

FARM AND FOREST

- Bees; Casein; Fertilizers; Hay; Hops; Shorts; Straw;
- Alfalfa Meal;
- Animals, living;
- Beet pulp, dried;
- Cream separators and parts thereof and articles and materials to be used exclusively in their manufacture;
- Drain tiles for agricultural purposes;
- Farm produce sold by the individual farmer of his own production;
- Feeds for fur-bearing animals whose pelts have commercial value;
- Fence posts, split;

Forest products, when produced and sold by the individual settler or farmer;

Furs, raw;

Gopher poison, and materials for use exclusively in its manufacture;

Grain or seed cleaning machines and complete parts therefor;

Grains and seeds in their natural state, not to include rice;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof;

Hides, raw and salted;

Logs and round unmanufactured timber;

Milk albumen, when for use exclusively in the production of animal or poultry feeds;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Pit props and packwood for use exclusively in mines;

Poultry, cattle and other stock feeds;

Poultry, living;

Preparations or chemicals sold for disinfecting, dipping or spraying and so used in agriculture or horticulture, and materials for use exclusively in the manufacture of such preparations;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Settlers' effects;

Vegetable plants;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from such wool supplied by him for his own use;

ENGINES

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier, and complete parts of all the foregoing, and articles and materials, not to include plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

MINES AND QUARRIES

Cars, and other similar appliances, for use exclusively at a mine or a quarry for mining or quarrying, and articles and materials to be used exclusively in the manufacture of such cars and appliances;

Crushed stone or crushed gravel to be used exclusively in the building or maintenance of provincial, county, municipal or township roads;

Gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured;

Ores of metals of all kinds;

Sand, gravel, rubble, and field stone;

MARINE AND FISHERIES

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Manila fibre for use only in the manufacture of rope not exceeding one and one-half inches in circumference for the fisheries;

Materials for use only in the construction, equipment and repair of ships;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

RELIGIOUS, CHARITABLE, HEALTH, ETC.

Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of Pensions and National Health, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Artificial limbs, and parts thereof;

Bibles, missals, prayer books, psalm and hymn books, religious tracts, and Sunday school lesson pictures;

Donations of clothing and books for charitable purposes;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of soldiers who fell in the Great War;

War Veterans' badges;

PRINTING AND EDUCATIONAL

Manuscript; Newspapers;

Magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly, and printing paper and printing ink for use exclusively in their production;

Photographs, paintings, pastels, drawings and other art work and illustrations of all kinds, whether originals, copies or proofs, and printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

Text-books, printed, authorized by the Department of Education of any province in Canada and phonograph records so authorized for instruction in the English and the French language, and materials used exclusively in the manufacture thereof;

DIPLOMATIC

Articles for the use of the Governor General;

Articles imported for the personal or official use of the British High Commissioner, Ministers of Foreign Countries, Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession;

Official stationery imported by His Majesty's Trade Commissioners in Canada from His Majesty's Stationery Office in England;

BUILDING MATERIALS

Bricks; building tile, building blocks and building stone; plaster; lime; cement; stucco and stucco dash;

Lumber; sash; doors; shingles; lath; siding; stairways; balustrades;

Plaster boards, fibre boards, wallpaper, building paper, and materials manufactured wholly or in part of vegetable or mineral fibre for wall coverings or building insulation;

Paints, varnishes, white lead and paint oil;

Prepared roofings;

Shower baths, bath tubs, basins, faucets, closets, lavatories; sinks and laundry tubs, not including pipes and pipe fittings;

Glass for buildings;

Furnaces for heating buildings;

Builders' hardware, namely: locks, lock sets, butts, hinges, pulleys and window fasteners;

Structural steel to be used exclusively for the framework and support of buildings and bridges;

Articles and materials to be used or consumed exclusively in the manufacture or production of the aforementioned building materials but not to include materials consumed by waste or wear, or abrasives, lubricating oils, fuel oils, permanent or non-permanent plant equipment.

COVERINGS

Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax and materials to be used exclusively in the manufacture of such coverings;

FIRE BRICK, REFRACTORIES, ETC.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment, and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

PROCESSING MATERIALS

Materials (not to include abrasives, lubricating oils, fuel oils or non-permanent plant equipment) consumed, otherwise than by waste or wear, in the process of manufacture or production of taxable goods;

MISCELLANEOUS

Electricity;

British and Canadian coins and foreign gold coin;

Fuel other than in liquid form;

Gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Lasts, patterns and dies for boots and shoes including rubber footwear;

CUSTOMS TARIFF ITEMS

173. Books for the instruction of the deaf or dumb;

175. Books not printed or reprinted in Canada, which are included and used as text-books in the curriculum of any university, college or school in Canada; books specially imported for the *bona fide* use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific, or art association or society, and

being the property of the organized authorities of such library, and not in any case the property of individuals—the whole under regulations prescribed by the Minister,—provided that importers of books who have sold the same for the purpose mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon;

209b. Nicotine sulphate;

236b. Spinal braces and parts thereof;

352a. Bells, when imported for use of churches only;

364. Diamond dust or bort and black diamonds, for borers;

406. Coil chain, coil chain links, including repair links, and chain shackles, of iron or steel;

409a. Milking machines and attachments therefor; centrifugal machines for testing butterfat, milk or cream; complete parts of all the foregoing;

409b. Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing;

409c. Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing;

409d. Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein, and complete parts of all the foregoing;

409e. (i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing;

(ii) Fruit and vegetable grading, washing and wiping machines and combination bagging and weighing machines, and complete parts thereof; machines for topping vegetables, and machines for bunching and/or tying cut flowers, vegetables and nursery stock, and complete parts thereof; egg-graders and egg-cleaners, and complete parts thereof, not including aluminum parts;

(iii) Complete parts of aluminum for egg-graders;

409f. Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, grain crushers and grain or hay grinders for farm purposes only; post hole diggers, snaths, stumping machines and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing;

409g. Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing;

409i. Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n.o.p.;

Complete parts for goods enumerated in tariff item 409i;

409j. Fanning-mills; peaviners; corn husking machines; threshing machine separators, including weighers, wind stackers, baggers and self-feeders therefor; complete parts of all the foregoing;

409k. Windmills and complete parts thereof, not including shafting;

410b. Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter;

411. Machinery for use in sawing lumber, up to but not including the operation of planing, and complete parts thereof, not to include motive power, when for use exclusively in saw mills (for the purpose of this item motive power is defined as equipment for driving the machinery of the saw mill);

411a. Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier;

411b. Cylinder stave saws, wheel type stave jointers, crozing and champhering machinery and complete parts thereof;

439c. Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof;

440k. Engines and complete parts thereof, to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats *bona fide* owned by individual fishermen for their own use in the fisheries, under regulations prescribed by the Minister;

442. Articles which enter into the cost of manufacture of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o, and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister;

442a. Notwithstanding the provisions of tariff item 442, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enu-

merated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister:—

(1) Pig iron;

(2) Bars or rods, of iron or steel, hot rolled;

460. Materials to be used in Canada for the construction of bridges and tunnels crossing the boundary between the United States and Canada, when similar materials are admitted free under similar circumstances into the United States, under regulations prescribed by the Minister;

464. Steel dies, of a class or kind not made in Canada, valued at not less than one thousand dollars each, for use exclusively in stamping metal sheets or metal plates: Provided that such dies shall be exported from Canada under Customs supervision within three months from the date of import entry;

476. (i) Surgical instruments of any material and complete parts thereof;

(ii) Dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than 50 dollars each, retail; complete parts of all the foregoing;

476a. Glassware and other scientific apparatus for laboratory work in public hospitals; chairs and tables for surgical operating purposes, and complete parts thereof; infant incubators and complete parts thereof; electro cardiographs and complete parts thereof, and sensitized film and paper for use therein; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing nor laundry machines; all for the use of any public hospital, under regulations prescribed by the Minister;

480. Crutches or specially constructed staffs for cripples;

538. Binder twine or twine for harvest binders;

663b. Articles which enter into the cost of the manufacture of fertilizers, when imported for use exclusively in the manufacture of fertilizers;

666. Nitro-glycerine, giant powder, nitro and other explosives, n.o.p.;

667. Blasting and mining powder;

682. Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; fishing nets and nettings of all kinds; threads, twines, marlines, fishing lines, rope and cordage of cotton, hemp, manila or other vegetable fibre, not exceeding one and one-half inches in circumference, to be used for fishing purposes or for the construction or repair of fishing nets; the foregoing not to include such articles used for sportsmen's purposes, and to be subject to such regulations as the Minister may prescribe;

692. Coins, cabinets of; collections of medals and collections of postage stamps; medals of gold, silver or copper,

and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions; and cups or other metallic prizes (not usual merchantable commodities), won in *bona fide* competitions;

695a. Paintings in oil or water colours and pastels, valued at not less than twenty dollars each; paintings and sculptures by artists domiciled in Canada but residing temporarily abroad for purposes of study, under regulations by the Minister;

695b. Hand-made drawings, sketches or designs, but not including patterns, viz.:—drawings, sketches or designs of wearing apparel, including boots and shoes, wall or floor coverings and textile fabrics, when imported in single copies of each such drawing, sketch or design for use in the manufacture of wearing apparel, boots or shoes, textile fabrics, wall or floor coverings, or of patterns;

696. Philosophical and scientific apparatus, utensils, instruments, and preparations, including boxes and bottles containing the same; maps, photographic reproductions, casts as models, animals as research or experimental subjects, etchings, lithographic prints or charts; mechanical equipment of a class or kind not made in Canada. All articles in this item, when for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale, under regulations prescribed by the Minister;

696a. Educational moving picture films of all widths, silent or sound, positive or negative, and sound disks or records designed for use with such films, when certified by the Minister as entitled to exemption from Customs duty under the Convention for Facilitating the International Circulation of Films of an Educational Character; subject to such regulations as the Minister may prescribe;

698. All articles specially designed for the use of the blind, whether for educational, recreational, industrial, personal or other purposes, when for blind persons and imported by, or on the order or certificate of, the Canadian National Institute for the Blind, or other *bona fide* institution or association for the blind;

700. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association: Provided a bond shall be first given in accordance with regulations prescribed by the Minister, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond;

701. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Minister;

702. Carriages for travellers, and carriages laden with merchandise, not to include circus troupes or hawkers, under regulations prescribed by the Minister;

703. (a) Travellers' baggage, under regulations prescribed by the Minister;

(b) Goods valued at not more than one hundred dollars included in the baggage accompanying residents of Canada returning from abroad after an absence from Canada of not less than forty-eight hours and acquired by them for personal or household use or as souvenirs or gifts, but not bought on commission or as an accommodation for other persons or for sale, under regulations prescribed by the Minister:

Provided that a resident of Canada shall not be entitled to the exemption herein granted within a period of four months from the date of the last exemption allowed, nor shall the exemption be allowed on alcoholic beverages in excess of one quart, or on tobacco in excess of fifty cigars, two hundred cigarettes and two pounds of manufactured tobacco;

704. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest;

Articles and materials to be used exclusively in the manufacture of goods enumerated in Customs Tariff items 406, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 410b, 411, 411a, 411b, 439c, 440k, 442, 442a, 476, 476a, 480, 538, 663, 663a, 663b, 666, 667, 696;

Materials, not to include plant equipment, consumed in process of manufacture or production, which enter directly into the cost of goods enumerated in Customs Tariff items 406, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 410b, 411, 411a, 411b, 439c, 440k, 442a, 476, 476a, 480, 538, 663, 663a, 666, 667, 696.

2 GEORGE VI.

CHAP. 53.

An Act to establish a Board of Transport Commissioners for Canada, with authority in respect of transport by railways, ships and aircraft.

[Assented to 1st July, 1938.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Transport Act, 1938*. Short title.

INTERPRETATION.

2. (1) In this Act, unless the context otherwise requires:—
- (a) “agreed charge” means a charge agreed upon between a carrier and a shipper as in this Act provided and includes the conditions attached thereto; Definitions.
“agreed charge”.
- (b) “aircraft” means and comprises all machines which can derive support in the atmosphere from reactions of the air; “aircraft”.
- (c) “Board” shall have the meaning set forth in section three of this Act; “Board”.
- (d) “carrier” means any person engaged in the transport of goods or passengers for hire or reward to whom this Act applies, and shall include any company which is subject to the *Railway Act*; “carrier”.
R.S., c. 170.
- (e) “goods in bulk” means the following goods laden or freighted in ships, and except as herein otherwise provided, not bundled or enclosed in bags, bales, boxes, cases, casks, crates or any other container;
grain and grain products, including flour and mill feeds in bulk or in sacks,
ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), including ore concentrates in sacks,
sand, stone and gravel,
coal and coke,
liquids, “goods in bulk”.
- pulpwood,

pulpwood, woodpulp, poles and logs, including pulpwood and woodpulp in bales, waste paper loaded as full ship's cargo, iron and steel scrap and pig iron.

"Great Lakes".

(f) "Great Lakes" means Lakes Ontario, Erie, Huron, (including Georgian Bay), and Superior, and their connecting waters, and shall include the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans;

"harbour toll".

(g) "harbour toll" means and includes every rate, toll and charge established or proposed to be established by any Act of Parliament or by, or with the approval of, the Governor in Council in respect of ships or aircraft entering, using or leaving any harbour in Canada, or the passengers thereof, or goods loaded, unloaded, shipped, transhipped, moved in transit or stored in any harbour in Canada, or on or in any wharf, dock, pier, warehouse or other facility within the limits of any such harbour or situate on lands appurtenant thereto;

"licensee".

(h) "licensee" means a person licensed under this Act to engage in transport by water or by air;

"Maritime Provinces".

(i) "Maritime Provinces" means the Provinces of Nova Scotia, New Brunswick and Prince Edward Island;

"Minister".

(j) "Minister" means the Minister of Transport;

"ship".

(k) "ship" includes every description of vessel exceeding five hundred tons gross tonnage;

"shipper".

(l) "shipper" means a person sending or receiving or desiring to send or receive goods by means of any carrier to whom this Act applies;

"ship".

(m) "ship" when used in Part VI of this Act includes any ship, boat, barge, dredge, floating elevator, scow or any other floating craft and any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed;

"toll" or "charge".

(n) "toll" or "charge" means and includes any toll, rate, charge or allowance charged or made in connection with the transport of passengers, or the shipment, transport, care, handling or delivery of goods, or for any services incidental to the business of a carrier; and includes also any toll, rate, charge or allowance as charged or made in connection with any instrumentality or facility of shipment or transport irrespective of ownership, or of any contract express or implied with respect to the use thereof, and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with sleeping accommodation, or for collecting, receiving, loading, unloading, stopping over, elevating, ventilating, refrigerating, icing, heating, switching, ferrying, carting, storing, caring for, handling or delivering goods transported or in transit or to be transported;

transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage, or the like, and includes hangar and landing charges payable in respect of aircraft; and includes charges made in connection with any one or more of the above mentioned subjects, separately or conjointly;

- (o) "transport" means the transport of goods or passengers whether by air, by water or by rail, for hire or reward, to which the provisions of this Act apply and "transported" and "transporting" shall have corresponding meanings; "transport",
"transported",
and "transporting".
- (p) "transport by air" means the transport of goods or passengers for hire or reward by means of aircraft; "transport
by air".
- (q) "transport by rail" means the transport of goods or passengers by a company to which the *Railway Act* applies; "transport
by rail".
- (r) "transport by water" means the transport of goods or passengers for hire or reward by means of ships required to be licensed under this Act. "transport
by water".
- (2) Unless it is otherwise provided or the context otherwise requires, expressions contained in this Act shall have the same meaning as in the *Railway Act*. Application
of Railway
Act.
R.S., c. 170.

PART I.

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA.

3. (1) The Board of Railway Commissioners for Canada shall hereafter be and be known as The Board of Transport Commissioners for Canada, and the expression "Board", wherever it occurs in this Act and in the *Railway Act* and in any other Act in which the expression "Board" is used to designate the Board of Railway Commissioners for Canada, shall mean The Board of Transport Commissioners for Canada, and the expression "The Board of Transport Commissioners for Canada" shall be substituted for the expression "Board of Railway Commissioners for Canada" wherever that expression occurs in the *Railway Act* or in any other Act. Board of
Transport
Commissioners.
R.S., c. 170,
etc.

(2) It shall be the duty of the Board to perform the functions vested in the Board by this Act and by the *Railway Act* with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways, ships and aircraft and the Board shall give to this Act and to the *Railway Act* such fair interpretation as will best attain the object aforesaid. Duties of
Board.

4. The provisions of the *Railway Act* relating to sittings of the Board and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of Railway Act
procedure
to apply.

the Board and review thereof and appeal therefrom, shall be applicable in the case of every inquiry, complaint, application or other proceeding under this Act, and the Board shall exercise and enjoy the same jurisdiction and authority in matters under this Act as are vested in the Board by the *Railway Act*.

Application
for licence.
Public
convenience
and
necessity.

5. (1) Before any application for a licence is granted for the transport of goods and/or passengers under the provisions of this Act, the Board shall determine whether public convenience and necessity require such transport, and in so determining the Board may take into consideration, *inter alia*,—

- (a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;
- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

Board may
accept
evidence.

(2) Notwithstanding anything contained in subsection one of this section, if evidence is offered to prove,—

- (a) that at any time during the period of twelve months next preceding the coming into force of the relevant Part of this Act on, in or in respect of the sea or inland waters of Canada, or the route between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada, or the part of Canada to which the application for a licence relates, the applicant was *bona fide* engaged in the business of transport, whether in bulk or otherwise, and
- (b) that such ship for which such licence is sought was at any time during the period of ten years next preceding the coming into force of this Act used for the transport of goods other than goods in bulk, and

(c) that the applicant was during such period using ships or aircraft, as the case may be, for the purpose of such business,
 the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity and issue a licence accordingly: Provided, however, that a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period. Proviso.

6. (1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board with the approval of the Governor in Council may determine, and a fee shall be payable therefor according to a tariff of fees to be fixed by the Board with the approval of the Governor in Council. Term of licence.
Fees.

(2) Fees for licences shall be paid to the Receiver General of Canada for the use of His Majesty. Fees payable to Receiver General.

7. Every fine imposed under this Act or under any regulation shall be paid over to the Receiver General of Canada for the use of His Majesty. Fines payable to Receiver General.

8. If any corporation is guilty of a breach of any provision of this Act for which a fine is provided to be imposed on such corporation, every officer or director of such corporation who has been party or privy to such breach also shall be liable on summary conviction to a fine not exceeding one thousand dollars. Liability of officers and directors of corporation.

9. No proceeding for any penalty for any breach of the provisions of this Act or of any regulation made or licence granted thereunder shall be commenced except within twelve months from the date of the breach complained of. Limitation of proceedings for violations.

PART II.

TRANSPORT BY WATER.

10. (1) The Board may, subject to the provisions of this Part, license ships to transport passengers and/or goods from a port or place in Canada to another port or place in Canada. Board licence to ships.

(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by water by means of such ship. Licence in name of owner.

(3) The licence may apply to one or more ships. To one or more ships.

(4) The Board may in the licence state the ports between which the ship or ships named therein may carry goods or passengers and the schedule of services which shall be maintained: Licence may name ports and schedules.

maintained: Provided that the licensee may be authorized to substitute another ship of approximately the same tonnage for a ship named in the licence.

Board shall issue licence if satisfied service is required.

(5) The Board shall issue a licence in respect of a ship built, building or about to be built, upon being satisfied that the proposed service is and will be required by the present and future public convenience and necessity, and unless the Board is so satisfied no licence shall be issued.

Ships built 10 years before importation.

(6) No licence shall be issued in the case of a ship other than a British ship, hereafter imported into Canada, which was constructed more than ten years before such importation.

No goods or passengers transported except in licensed ships.

11. (1) No goods or passengers shall be transported by water, from one port or place in Canada to another port or place in Canada, either directly or by way of a foreign port or for any part of the transport, by means of any ship other than a ship licensed under this Part.

Penalty for contravention of this Part.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the ship, the owner or any other person operating the ship shall be liable upon summary conviction to a fine in respect of goods so transported not exceeding fifty cents per ton gross tonnage of the ship or five hundred dollars, whichever is the greater, and a fine in respect of passengers so transported not exceeding two hundred dollars for each passenger or five hundred dollars, whichever is the greater.

Power of detention.

(3) The Collector of Customs at any port or place in Canada may, if he believes that any ship to which this Part applies is transporting, or after the coming into force of this Part has transported, passengers and/or goods without a licence, in contravention of this Part, may detain the ship pending the disposition of any complaint or charge and the payment of any fine imposed in respect of such offence.

Suspension or cancellation of licence.

(4) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a ship is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may after hearing licensee suspend or cancel the licence of such licensee in respect of one or all of the ships licensed.

Coming into force by proclamation.

12. (1) This Part shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water.

G. in C. exemption.

(2) The Governor in Council may by regulation exempt any ship or class of ships from the operation of this Part.

Not to apply to transport of bulk goods.

(3) The provisions of this Part shall not apply to the transport of goods in bulk.

(4) The provisions of this Part shall not apply in the case of ships engaged in the transport of goods or passengers Nor between certain ports.

(a) between ports or places in British Columbia;

(b) between ports or places in Hudson Bay, Nova Scotia, New Brunswick, Prince Edward Island, and the Gulf and River St. Lawrence east of the western point of the Island of Orleans, or between any two or more places therein;

nor shall this Part apply between any of such ports or places and ports or places outside of Canada.

(5) The provisions of this Part shall not apply in the case of ships engaged in the transport of goods or passengers between ports or places in the Maritime Provinces and ports or places on the Great Lakes; provided, however, that such ships shall be subject to the provisions of this Part in respect of goods or passengers accepted for transport by water from a port or place on the Great Lakes to another port or place on the Great Lakes. Provisions not to apply. Nor shall the provisions of this Part apply in the case of ships engaged in the transport of goods or passengers between ports or places on the Pacific Ocean and ports or places on the Atlantic Ocean or the Great Lakes or both; but such ships shall be at liberty, notwithstanding the provisions of this Part, to receive at any number of ports or places on the Pacific Ocean goods or passengers consigned or destined to any number of ports or places on the Atlantic Ocean or the Great Lakes or both, and likewise to receive at any number of ports or places on the Atlantic Ocean or the Great Lakes or both, goods or passengers consigned or destined to any number of ports or places on the Pacific Ocean: Provided, however, that such ships shall be subject to the provisions of this Part in respect of goods or passengers accepted for transport by water from a port or place on the Pacific Ocean to another port or place on the Pacific Ocean or from a port or place on the Atlantic Ocean or on the Great Lakes to another port or place on the Atlantic Ocean or on the Great Lakes.

PART III.

TRANSPORT BY AIR.

13. (1) The Board may, notwithstanding anything contained in the *Aeronautics Act*, subject to the provisions of this Part, license aircraft to transport passengers and /or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada. Board licence within and without Canada. R.S., c. 3.

(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by air by means of such aircraft. Licence in name of owner or agent.

To one or
more
aircraft.

Prescribe in
licence
routes and
schedules.

Service
required.

(3) The licence may apply to one or more aircraft.

(4) The Board may in the licence prescribe the route or routes which the aircraft named therein may follow and the schedule of services which shall be maintained.

(5) The Board shall not issue a licence without being first satisfied that the proposed service is and will be required by the present and future public convenience and necessity.

Transporta-
tion only by
licensed
aircraft.

Penalty.

14. (1) Subject to the provisions of this Part, no goods or passengers shall be transported by air by means of any aircraft other than an aircraft licensed under this Part.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the aircraft, the owner or other person operating the aircraft shall be liable upon summary conviction to a fine not exceeding five hundred dollars.

Suspension or
cancellation
of licence.

(3) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that an aircraft is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of one or all of the aircraft licensed.

Application
of Part.

15. (1) This Part is applicable to transport by air, only,
(a) by means of international or interurban air transport services between points and places named by the Governor in Council, and

(b) by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of this Part may fittingly be applied to such air services.

Exemption
by G. in C.

(2) The Governor in Council may by regulation exempt any aircraft or class of aircraft from the operation of this Part.

PART IV.

TRAFFIC, TOLLS AND TARIFFS.

Licensee
subject to
tolls.

Tolls may
be for the
whole or
portion.

Licensee to
file tariff
with Board.

16. (1) Every licensee shall be governed by the provisions of this Part in respect of tolls to be charged.

(2) Any tolls may be either for the whole or for any particular portion of the route of the licensee.

17. (1) Every licensee shall file a standard tariff or tariffs of tolls with the Board for approval and may file such other tariff or tariffs as are authorized by this Part.

(2) Except as otherwise provided, any tariff in force may, subject to disallowance or change by the Board, be amended, supplemented, or superseded by new tariffs, in accordance with the provisions of this Part and regulations of the Board.

Tariffs in force may be supplemented etc.

18. (1) If the licensee is a corporation, the licensee or the directors thereof by by-law or resolution or any officer of the licensee who is thereunto authorized by by-law or resolution of the licensee or its directors may, from time to time, prepare and issue tariffs of the tolls to be charged in respect of the operation of its ships or aircraft, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

If licensee a corporation.

(2) All such by-laws or resolutions shall be submitted to the Board for approval.

By-laws to be submitted to the Board.

(3) The Board may approve such by-laws or resolutions in whole or in part, or change, alter or vary any of the provisions therein.

Approval.

(4) If the licensee is a corporation, no tolls shall be charged by the licensee or by any person until a by-law or resolution authorizing the preparation and issue of tariffs of such tolls has been approved by the Board; or, whether the licensee is a corporation or not, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board; or until any other requirements of this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or which has not been brought into operation in accordance with the provisions of this Act, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Act.

Tolls to be charged only after by-law approved by the Board.

19. When a tariff is filed with and approved by the Board, where approval is necessary under this Act, the licensee shall thereafter, until such tariff is disallowed or suspended by the Board, or superseded by a new tariff, charge the toll or tolls as specified therein.

Tolls to be as specified in tariff.

20. The tariffs of tolls which a licensee shall be authorized to issue under this Part shall be divided into five classes:—

Division of tariffs.

- (a) Standard freight tariffs;
- (b) Special freight tariffs;
- (c) Competitive freight tariffs;
- (d) Standard passenger tariffs;
- (e) Special passenger tariffs.

Standard
tariffs.

21. (1) The standard tariff or tariffs shall specify the maximum mileage tolls to be charged for passengers and for each class of the freight classification for all distances covered by the licensee.

Approval
of Board
required.

(2) Every standard tariff and every amendment and supplement thereto shall require the approval of the Board before it becomes effective.

Special
tariffs.

22. Special tariffs shall specify a toll or tolls lower than in the standard tariffs.

Competitive
freight
tariffs.

23. (1) Competitive freight tariffs shall specify a toll or tolls lower than in the standard freight tariff to be charged between points which the Board may deem or have declared to be competitive points.

Competitive
points.

(2) The Board may declare that any places are competitive points within the meaning of this Part.

Equal
application
of tolls.

24. (1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

No dis-
crimination
among
persons.

(2) No reduction or advance in any such tolls shall be made either directly or indirectly, in favour of or against any particular passenger or shipper.

No dis-
crimination
between
localities.

(3) No toll shall be charged which unjustly discriminates between different localities.

Licensee to
offer proper
facilities.

25. (1) Every licensee shall, according to his powers and within the limits of the capacity of the ships or aircraft specified in the licence, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic.

Offences.

(2) No licensee shall,—

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading or delivery of the goods of a similar character in favour of or against any particular person or company;

(c) subject any particular person or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever.

26. The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any provisions of this Part and may require the licensee, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Commission may disallow tariffs or portions.

27. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Part.

Determination as to discrimination.

28. Whenever it is shown that any licensee charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference, or an unjust discrimination, shall lie on the licensee.

Onus on licensee re discrimination.

29. In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Interest of the public to be considered when deciding whether there is unjust discrimination.

30. (1) Any licensee or shipper or any officer, employee or agent of such licensee or shipper who

Offences of licensees or agents.

(i) offers, grants or gives or solicits, accepts or receives any rebate, concession or discrimination, or

(ii) knowingly is party or privy to any false billing, false classification, false report of weight or any other device,

whereby any person obtains transport by air or transport by water for less than the lawful tolls applicable thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

(2) Any licensee or officer or agent of such licensee who does or omits any act, the doing or omission whereof is required or prohibited, as the case may be, and for which no other penalty is provided under this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Doing or omitting act prohibited or required.

Prosecution
by leave of
Board.

(3) No prosecution shall be had or instituted for any offence under this section without leave of the Board first being obtained.

Special rate
notices to
create trade
may be
permitted.

31. Notwithstanding anything in this Act, the Board may make regulations permitting the licensee to issue special rate notices prescribing tolls lower than the tolls in force upon the ships or aircraft of the licensee, to be charged for specific shipments between points on the route or routes of the licensee, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the licensee, or be in the public interest, and is not otherwise contrary to the provisions of this Act.

Traffic free
or at
reduced
rates.

32. Notwithstanding anything in this Act contained a licensee engaged in transport by water or air may carry traffic free or at reduced rates to the same extent and subject to the same restrictions, limitations and control as are applied in the case of a railway company under the *Railway Act*.

Board
regulations.

33. The Board may by regulation,—

- (a) provide for the classification of freight and any changes therein from time to time, to be observed in connection with the operation and issue of all tariffs, which classification shall, in so far as it is practicable, be uniform throughout Canada;
- (b) provide for the form, size and style of tariffs;
- (c) provide for the notice that shall be given by a licensee of the issue of a tariff, or of any alteration or cancellation of a tariff, or any part thereof;
- (d) provide for the publication and posting by a licensee of every tariff;
- (e) provide for the date of coming into force of every tariff and of every alteration or cancellation of any tariff or any part thereof;
- (f) declare what shall constitute substantially similar circumstances and conditions or unjust or unreasonable preferences, advantages, prejudices or disadvantages, within the meaning of this Act;
- (g) require periodic returns to be made to the Board by licensees of their capital, traffic, expenditures and other information required by the Board;
- (h) provide for the imposition and collection of fines for neglect or omission to comply with regulations made hereunder;
- (i) provide generally for such matters as, in the opinion of the Board, may be required for the purpose of this Act.

34. The provisions of this Part shall not apply to the transport of goods in bulk.

Not to apply
to transport
of goods
in bulk.

PART V.

AGREED CHARGES.

35. (1) Notwithstanding anything in the *Railway Act*, or in this Act, a carrier may make such charge or charges for the transport of the goods of any shipper or for the transport of any part of his goods as may be agreed between the carrier and that shipper: Provided that any such agreed charge shall require the approval of the Board, and the Board shall not approve such charge if, in its opinion, the object to be secured by the making of the agreement can, having regard to all the circumstances, adequately be secured by means of a special or competitive tariff of tolls under the *Railway Act* or this Act: and provided further that when the transport is by rail from or to a competitive point or between competitive points on the lines of two or more carriers by rail the Board shall not approve an agreed charge unless the competing carriers by rail join in making the agreed charge.

R.S., c. 170.
Charges by
agreement
between
parties.

(2) Particulars of an agreed charge, including a duplicate original of the agreement, shall be lodged with the Board within seven days after the date of the agreement and notice of an application to the Board for its approval of the agreed charge shall be given at least thirty days before the hearing by publication in the *Canada Gazette* and in such other manner as the Board may direct.

Particulars of
agreed
charges to be
filed with
Board.

(3) An agreed charge shall be made on the established basis of rate making and shall be expressed in cents per hundred pounds or such other unit as the Board may approve; and the car-load rate for one car shall not exceed the car-load rate for any greater number of cars.

How
made and
expressed.

(4) The Board may approve an agreed charge either for such period as it thinks fit or without restriction of time, and the date on which the charge shall become operative, or as from which it shall be deemed to have become operative, shall be such date, not being earlier than the date on which application for approval was lodged, as may be fixed by the Board.

Board
approval
of agreed
charge.

(5) On an application to the Board for the approval of an agreed charge:—

Interested
parties to be
heard on
application
for approval
of agreed
charge.

(a) any shipper who considers that his business will be unjustly discriminated against if the agreed charge is approved and is made by the carrier, or that his business has been unjustly discriminated against as a result of the making of the charge by virtue of a previous approval;

(b) any representative body of shippers; and

(c) any carrier,

shall, after giving such notice of objection as may be prescribed by the Board, be entitled to be heard in opposition to the application.

Shipper may apply for a fixed charge to meet competition by an agreed charge.

(6) Any shipper who considers that his business will be unjustly discriminated against if an agreed charge is approved and is made by the carrier, or that his business has been unjustly discriminated against as a result of the making of an agreed charge, may at any time apply to the Board for a charge to be fixed for the transport of his goods (being the same goods as or similar goods to and being offered for carriage under substantially similar circumstances and conditions as the goods to which the agreed charge relates) by the same carrier with which the agreed charge is proposed to be made, or is being made, and, if the Board is satisfied that the business of the shipper will be or has been so unjustly discriminated against, it may fix a charge (including the conditions to be attached thereto) to be made by such carrier for the transport of such goods.

Conditions as to a fixed charge.

(7) The Board, in fixing a charge, may fix it either for such period as it thinks fit or without restriction of time, and may appoint the date on which it is to come into operation, but no such charge shall be fixed for a period beyond that for which the agreed charge complained of by the shipper has been approved.

Applicant for fixed charge may object to agreed charge.

(8) An application under this section may, if it is convenient, be combined with an objection by the shipper to the application for the approval of the agreed charge of which he complains.

Application for withdrawal of agreed charge—approval after one year.

(9) Where the Board has approved an agreed charge without restriction of time:—

(a) any shipper who considers that his business has been unjustly discriminated against as a result of the making of the agreed charge,

(b) any representative body of shippers, and

(c) any carrier,

may, at any time after the expiration of one year from the date of the approval, apply to the Board for the withdrawal of its approval of the agreed charge, and, upon any such application, the Board may withdraw, or refuse to withdraw, its approval, or may continue its approval subject to such modifications being made in the charge as it thinks proper and as the carrier and the shipper to whose goods the charge is applicable are prepared to agree to:

Proviso.

Provided that, where the Board has fixed a charge in favour of a shipper complaining of an agreed charge, such shipper shall not be entitled to make an application under this subsection in respect of that agreed charge in so far as it relates to goods which are the same as or similar to any goods to which the charge so fixed relates.

(10) All agreed charges shall, when approved, be published in the manner provided by section three hundred and thirty-one of the *Railway Act*. Publication.

(11) Where under this section the Board withdraws its approval of an agreed charge or continues its approval of an agreed charge, subject to modifications, any charges fixed under subsection five of this section in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine. Effect of approval or of withdrawal of approval.

(12) For the purpose of applications under this section a decision of the Board continuing its approval of a charge subject to agreed modifications shall be deemed to be the approval of an agreed charge. Continuing approval.

(13) On any application under this section, the Board shall have regard to all considerations which appear to it to be relevant and, in particular, to the effect which the making of the agreed charge or the fixing of a charge is likely to have, or has had, on,— Considerations to be given effect to on application.

(a) the net revenue of the carrier; and

(b) the business of any shipper by whom, or in whose interests, objection is made to approval being given to an agreed charge, or application is made for approval to be withdrawn.

36. (1) Upon complaint to the Minister by any representative body of carriers which, in the opinion of the Minister, is properly representative of the interests of persons engaged in the kind of business (transport by water, rail or air, as the case may be) represented by such body that any existing agreed charge places such kind of business at an undue or unfair disadvantage, the Minister may, if satisfied that in the national interest the complaint should be investigated, refer such complaint to the Board for investigation and if the Board after hearing finds that the effect of such agreed charge upon such kind of business is undesirable in the national interest the Board may make an order varying or cancelling the agreed charge complained of or may make such other order as in the circumstances it deems proper. If agreed charge causes an unfair advantage.

(2) Where under this section the Board cancels or varies an agreed charge, any charge fixed under this Part of this Act in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine. Charge to cease to operate or be modified.

37. Nothing in this Part contained shall affect any right or obligation, granted or imposed, by the *Maritime Freight Rates Act* or by paragraph (e) of section one of chapter five of the statutes of 1897, as extended and preserved. Rights preserved.
R.S., c. 79.
Crow's Nest Pass Agreement.

served by subsection five of section three hundred and twenty-five of the *Railway Act*.

Not to apply
to water
transport of
goods in bulk.

38. The provisions of this Part shall not apply to the transport by water of goods in bulk.

Coming
into force by
proclamation.

39. This Part shall not come into force until proclaimed as in force by the Governor in Council.

PART VI.

HARBOUR TOLLS.

Harbour
tolls.

Board to
report on
request of
Minister.

40. (1) The Board shall when requested by the Minister make inquiry, and at the conclusion thereof report to him, in respect of any harbour toll as to whether such harbour toll is just and reasonable under all the circumstances, and without restricting the generality of the foregoing the Board shall in the conduct of such inquiry have regard, *inter alia*, to,—

- (a) the service, privilege, advantage or benefit enjoyed or provided in respect of which the harbour toll is charged;
- (b) the cost of providing, operating and maintaining the facilities and services of the harbour, including, without restricting the generality of the foregoing, interest on capital investment and depreciation;
- (c) comparable tolls and charges payable at any harbour in Canada or elsewhere than in Canada;
- (d) whether such harbour toll is under substantially similar circumstances and conditions charged equally to all persons;
- (e) the effect of such harbour toll upon the movement of ships, goods or passengers, as the case may be, through the harbour and upon the movement of trade generally.

(2) The Board shall with its report transmit to the Minister a copy of the evidence taken by the Board in the course of its inquiry.

Recommendation to the
Minister.

41. If the Board, after inquiry as hereinbefore provided is of the opinion that any harbour tolls should be amended or rescinded or other harbour tolls substituted therefor, it shall be the duty of the Board to forward with its report a recommendation to the Minister for such action as he deems fit.

Coming into
force of
Part VI.

42. This Part shall not come into force until proclaimed as in force by the Governor in Council.

2 GEORGE VI.

CHAP. 54.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

[Assented to 1st July, 1938.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Baron Tweedsmuir of Elsfield, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 4, 1938.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and fifty-six million, two hundred and thirty thousand, four hundred and ninety-seven dollars and ninety-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being two-thirds of the amount of each of the items to be voted set forth in Schedule A to this Act. \$156,230,497.94 granted for 1938-39.

3.

\$88,757,863.42
granted for
1938-39.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty-eight million, seven hundred and fifty-seven thousand, eight hundred and sixty-three dollars and forty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being five-sixths of the amount of each of the several items to be voted set forth in Schedule B to this Act.

Power to
raise loan of
\$200,000,000.00
for public
works and
general
purposes.

1931, c. 27.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole the sum of two hundred million dollars as may be required for public works and general purposes, and in addition such sum or sums of money as may be required to pay and redeem treasury bills maturing from time to time.

Chargeable
to
Consolidated
Revenue
Fund.
Lapse of
prior
borrowing
powers.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

(3) All borrowing powers authorized by section five of chapter forty-five of the statutes of 1937 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to
be rendered
in detail.

5. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE A.

Based on the Main Estimates, 1938-39. The amount hereby granted is \$156,230,497.94, being two-thirds of the amount of each of the items in the Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1939, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
AGRICULTURE			
1	Departmental Administration.....	112,655 00	
2	Publicity and Extension Division.....	133,620 00	
3	Advisory Committee on Agricultural Services.....	5,000 00	
4	Contributions to Empire Bureaux.....	32,337 00	
5	International Institute of Agriculture.....	12,000 00	
MARKETING SERVICES			
6	Marketing Services Administration.....	50,000 00	
7	Agricultural Economics.....	120,260 00	
8	Dairy Products, including contribution of \$581 to the International Institute of Refrigeration.....	381,500 00	
9	Subsidies for Cold Storage Warehouses under the Cold Storage Act.....	53,177 85	
10	Fruit and Vegetable Products, including grant of \$5,000 to the Canadian Horticultural Council.....	555,000 00	
11	Live Stock and Poultry.....	537,339 00	
12	Marketing of Agricultural Products including temporary appointments that may be required to be made notwithstanding anything contained in the Civil Service Act, the amount available for such appointments not to exceed \$50,000.....	200,000 00	
PRODUCTION SERVICES			
13	Production Services Administration.....	60,700 00	
14	Health of Animals— Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act.....	1,625,610 00	
15	Compensation for animals slaughtered.....	200,000 00	
16	Live Stock and Poultry.....	829,170 50	
17	Plant Inspection, Insects and Diseases.....	246,127 00	
18	Seed, Feed and Fertilizer Control including grant of \$18,900 to Canadian Seed Growers Association.....	546,403 00	
Grants to Fairs and Exhibitions—			
19	Administration of Grants to Fairs and Exhibitions.....	14,240 00	
20	Grants, in the amounts detailed in the Estimates.....	318,500 00	
21	Grants to Agricultural Organizations, in the amounts detailed in the Estimates.....	42,350 00	
EXPERIMENTAL FARMS			
22	Experimental Farms Administration.....	51,180 00	
23	Central Experimental Farm, Ottawa.....	594,135 00	
24	Branch Farms and Stations and Illustration Stations.....	1,365,692 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	AGRICULTURE—Concluded	\$ cts.	\$ cts.
	SCIENCE SERVICES		
25	Science Services Administration.....	25,435 00	
26	Animal and Poultry Pathology.....	147,405 00	
27	Bacteriology.....	39,670 00	
28	Botany and Plant Pathology.....	290,540 00	
29	Chemistry.....	95,365 00	
30	Entomology.....	463,121 00	
			9,148,532 35
	AUDITOR GENERAL'S OFFICE		
31	Salaries and Expenses of Office		461,405 00
	CHIEF ELECTORAL OFFICER		
32	Salaries and Expenses of Office.....		16,960 00
	CIVIL SERVICE COMMISSION		
33	Salaries and Expenses of the Commission.....		357,795 00
	DOMINION FRANCHISE COMMISSIONER		
34	Salaries and Expenses of Office.....		11,680 00
	EXTERNAL AFFAIRS		
35	Departmental Administration.....	184,575 00	
36	Representation Abroad, including salaries of High Commissioner, Ministers Plenipotentiary, Secretaries and Staff notwithstanding anything to the contrary in the Civil Service Act or any of its Amendments.....	434,500 00	
37	To provide for hospitality in connection with visitors from abroad.....	15,000 00	
38	Expenses in connection with the negotiation of treaties.....	20,000 00	
39	Expenses of Canadian Delegates to the Assembly, Conference and Commissions of the League of Nations.....	14,000 00	
40	Publications of League of Nations for distribution to Members of Parliament and a grant to the League of Nations Society in Canada.....	3,000 00	
41	Amount required to meet loss on exchange.....	120,000 00	
42	To authorize payment from the Consolidated Revenue Fund to The Honourable Philippe Roy, present Canadian Minister to France, of an annuity at the rate of \$5,000 to commence on his retirement and to continue during his lifetime.....	5,000 00	
43	Grant for expenses of Canadian Committee of the American Association for the Advancement of Science in connection with Summer meeting to be held in Ottawa in 1938.....	3,500 00	
	CANADA'S CONTRIBUTIONS TO MAINTENANCE OF EXTERNAL ORGANIZATIONS		
44	To the expenses of the League of Nations for 1938, including Secretariat, International Labour Organization and Permanent Court of International Justice.....	150,565 00	
45	To the expenses of the International Commission for Air Navigation for 1938.....	1,650 00	
46	To portion of expenditure of the Imperial Economic Committee and the Imperial Shipping Committee for 1938.....	18,690 00	
47	To expenses of Wheat Advisory Committee for 1938, Canada's assessment.....	1,955 00	
			972,435 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	FINANCE		
48	Departmental Administration.....	218,080 00	
49	Bank Inspection (Inspector General of Banks' office).....	26,000 00	
50	Bankruptcy Act Administration.....	38,320 00	
51	Commissioner of Tariff's Office.....	26,740 00	
52	Dominion Housing Act Administration.....	38,400 00	
53	Royal Canadian Mint, including the Dominion of Canada Assay Office.....	275,000 00	
	OLD AGE PENSIONS (INCLUDING PENSIONS TO THE BLIND)		
54	Old Age Pensions, including pensions to the Blind, Adminis- tration.....	35,310 00	
	SUPERANNUATION, RETIREMENT BENEFITS AND SUNDRY PENSIONS		
	<i>Superannuation and Retirement Benefits</i>		
55	Superannuation and Retirement Acts Administration.....	25,960 00	
56	Government's contribution to the Superannuation Fund.....	2,230,000 00	
57	To provide for the retiring allowances to former employees of the Department of Public Printing and Stationery.....	6,000 00	
	<i>Pensions</i>		
58	Banting, Sir Frederick G.....	7,500 00	
	PUBLIC DEBT CHARGES		
59	Administration of Public Debt.....	212,355 00	
60	Servicing of Public Debt— Commission for payment of interest on Public Debt, pur- chase of Sinking Funds, Services of Fiscal Agents, London bill stamps, Registration Fees, etc.....	168,981 00	
	SPECIAL GRANTS TO PROVINCES		
61	{ New Brunswick.....	900,000 00	
	{ Nova Scotia.....	1,300,000 00	
	{ Prince Edward Island.....	275,000 00	
	{ Manitoba.....	750,000 00	
	{ Saskatchewan.....	1,500,000 00	
	{ British Columbia.....	750,000 00	
	MISCELLANEOUS GRANTS AND CONTRIBUTIONS		
62	Canadian General Council of the Boy Scouts.....	9,000 00	
63	Dominion Council of the Girl Guides.....	4,860 00	
64	Royal Astronomical Society.....	1,620 00	
65	Royal Canadian Academy of Arts.....	2,025 00	
66	Royal Society of Canada.....	4,500 00	
67	Grant towards expenses of the British Empire Games.....	5,000 00	
68	To provide for report on cultural conditions in Canada (litera- ture, art, drama, education, etc.).....	2,500 00	
69	Federal District Commission— Maintenance and improvement of grounds adjoining Govern- ment buildings, Ottawa, and for improvements to the parkway system under the control of the Federal Dis- trict Commission.....	149,000 00	
70	To provide for acquisition of land and surveys in connection with the National Parkway in the Gatineau Valley adjacent to Ottawa.....	100,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	FINANCE—Concluded		
	GENERAL		
71	Tariff Board, including the Dominion Trade and Industry Commission—Payments may be made notwithstanding anything in the Civil Service Act or Regulations.....	170,000 00	
72	Comptroller of the Treasury's office and to authorize the Civil Service Commission to designate what rate shall be effective, from the date of transfer, in the class into which any person is classified on transfer to the Department of Finance under the authority of Section 35 of the National Harbours Board Act, 1936.....	1,920,385 00	
73	Farmers' Creditors Arrangement Act Administration.....	506,120 00	
74	To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases, and to authorize payment of the salary of any employee who is made permanent, from the appropriation under which his salary as a temporary employee has been provided.....	175,000 00	
75	Unforeseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next session.....	80,000 00	
76	Expenses of the Royal Commission to investigate financial powers and responsibilities of the Dominion and the Provinces.....	210,000 00	12,123,656 00
	FISHERIES		
77	Departmental Administration.....	124,800 00	
78	Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services.....	1,000,000 00	
79	Building Fishways and Clearing Rivers.....	9,000 00	
80	Development of the Deep Sea Fisheries and the Demand for Fish.....	62,000 00	
81	Fish Culture.....	240,740 00	
82	Oyster Culture.....	24,000 00	
83	Fisheries Research Board of Canada.....	240,000 00	
84	To provide for an investigation into the life history of the Pacific Halibut by the International Fisheries Commission appointed under the Pacific Halibut Treaty of the 2nd of March, 1923.....	25,000 00	
85	Grant to United Maritime Fishermen's Association.....	3,000 00	
86	Grants to Fisheries Exhibitions in the amounts detailed in the Estimates.....	2,300 00	
87	To provide for the payment of a bounty for the destruction of Harbour Seals.....	30,000 00	
88	To provide for investigations and activities by the International Pacific Salmon Fisheries Commission under the Fraser River Sockeye Salmon Treaty.....	25,000 00	1,785,840 00
	GOVERNOR GENERAL		
89	Office of the Secretary to the Governor General including allowance of \$2,500 per annum to the Secretary to the Governor General.....		102,725 00
	INSURANCE		
90	Departmental Administration.....	174,490 00	
91	Expenses of work in the interests of fire prevention.....	20,000 00	194,490 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	JUSTICE		
92	Departmental Administration.....	137,145 00	
93	Remission Service, including remuneration to members of the Royal Canadian Mounted Police Force (to be expended under Order in Council, and not to exceed \$1,600) for assistance to this Service, and an amount of \$10,900 to reimburse the Royal Canadian Mounted Police Force the amounts disbursed by them in ordinary pay and allowances to their men on loan to this Service.....	47,060 00	
94	Administration of Justice— Miscellaneous expenditure.....	13,400 00	
95	Expenses of litigated matters.....	25,000 00	
96	Annual contribution to the Canadian Law Library, London, England.....	500 00	
97	Supreme Court of Canada— Administration.....	66,970 00	
98	Exchequer Court of Canada— Administration.....	34,215 00	
99	Yukon Territorial Court— Administration.....	8,000 00	
	PENITENTIARIES BRANCH		
100	Branch Administration.....	85,040 00	
101	Operation and maintenance of penitentiaries, including administration, construction, purchase of land, supplies and equipment, and maintenance and discharge of inmates.....	2,679,561 00	
	PENSIONS AND OTHER BENEFITS		
102	William Tatton.....	564 00	
103	J. Langlois Bell.....	600 00	
			3,098,055 00
	LABOUR		
104	Departmental Administration.....	115,226 00	
105	Annuities Act.....	287,885 00	
106	Combines Investigation Act.....	46,670 00	
107	Fair Wages and Conciliation.....	49,320 00	
108	Employment Offices Co-ordination Act— Administration.....	63,925 00	
109	Industrial Disputes Investigation Act.....	20,000 00	
110	Labour Gazette and other publications authorized by Labour Department Act.....	50,980 00	
111	International Labour Conference.....	15,000 00	
112	Technical Education Act—Administration.....	2,325 00	
			651,331 00
	LEGISLATION		
	THE SENATE		
113	The Speaker— Allowance in lieu of Residence.....	3,000 00	
114	General Administration.....	191,075 00	
	HOUSE OF COMMONS		
115	The Speaker— Allowance in lieu of Residence.....	3,000 00	
116	Deputy Speaker of the House of Commons— Allowance in lieu of Apartments.....	1,500 00	
117	General Administration—Estimates of the Clerk.....	452,375 00	
118	Estimates of the Sergeant-at-Arms.....	211,880 50	
119	Subscriptions to publications of the Empire Parliamentary Association to be distributed to Members of the House of Commons.....	2,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	LEGISLATION—Concluded	\$ cts.	\$ cts.
	LIBRARY OF PARLIAMENT		
120	General Administration.....	79,050 00	
	GENERAL		
121	Printing of Parliament, including salaries of staff of the Joint Distribution Office.....	75,000 00	
	PENSIONS AND OTHER BENEFITS		
122	Pension to the unmarried sister of the late Col. Harry Baker, M.P.....	700 00	1,019,580 50
	MINES AND RESOURCES		
123	Departmental Administration.....	178,735 39	
	MINES AND GEOLOGY BRANCH		
124	Branch Administration.....	35,700 00	
	Bureau of Mines—		
125	Bureau of Mines Administration.....	27,000 00	
126	Mineral Resources Investigations.....	424,000 00	
127	Explosives Act.....	24,000 00	
	Bureau of Geology and Topography—		
128	Bureau of Geology and Topography Administration and Miscellaneous Services.....	143,000 00	
129	Geological Surveys.....	303,000 00	
130	Topographical Surveys, including expenses of the Geogra- phic Board of Canada.....	212,000 00	
131	Drafting and Map Reproduction.....	117,000 00	
132	National Museum of Canada.....	79,300 00	
	Dominion Fuel Board—		
133	Administration and Investigations.....	29,000 00	
134	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council.....	2,250,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
35	Branch Administration.....	23,460 00	
	Government of the Northwest Territories—		
136	General Administration, operation, maintenance and im- provement of services, including Wood Buffalo Park..	245,320 00	
137	Eastern Arctic Expedition.....	27,000 00	
	Government of the Yukon Territory—		
138	Administration.....	48,000 00	
139	Grant to Yukon Council.....	70,000 00	
	Dominion Forest Service—		
140	General scientific, economic and administrative services..	131,660 00	
141	Forest Experiment Stations.....	77,520 00	
142	Forest Products Laboratories.....	148,500 00	
143	Grant to Canadian Forestry Association.....	1,620 00	
	Land Registry—		
144	Land Registry, Seed Grain Collections, Administration of Ordnance, Admiralty and Public Lands.....	64,000 00	
145	To provide for expenses in connection with the determination of boundaries of Ordnance and Admiralty Lands in the Province of British Columbia.....	3,000 00	
146	National Parks Bureau—National Parks and Historic Sites Services.....	1,383,500 00	
147	Administration of Migratory Birds Convention Act.....	51,000 00	
148	Grant to John Thomas (Jack) Miner.....	4,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
MINES AND RESOURCES—Continued			
SURVEYS AND ENGINEERING BRANCH			
149	Branch Administration.....	24,890 00	
150	Dominion Observatory, Ottawa.....	116,700 00	
151	Dominion Astrophysical Observatory, Victoria, B.C.....	31,220 00	
152	Dominion Water and Power Bureau, including the administration of the Dominion Water Power and Irrigation Acts and including grant of \$250 to the International Executive Council, World Power Conference.....	222,050 00	
153	Lake of the Woods Control Board.....	7,576 00	
154	To provide for the expenses incurred under the Agreement between the Dominion, Ontario and Manitoba confirmed by the Lac Seul Conservation Act, 1928, monies expended to be reimbursed.....	20,000 00	
155	Engineering and Construction Service.....	136,190 00	
156	Geodetic Service.....	160,500 00	
157	To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin.....	240 00	
158	International Boundary Commission.....	30,800 00	
	Hydrographic and Map Service—		
159	Hydrographic Service.....	418,000 00	
160	Legal Surveys and Map Service, including grant of \$350 to assist in printing the publication of the Canadian Institute of Surveying.....	171,510 00	
161	To provide for the payment of fees of the Board of Examiners for D.L.S., of the Secretary and of the Sub-examiners and for travelling expenses, stationery, printing, rent, etc., (the fees of F. H. Peters, W. M. Tobey and Harry Parry, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum).....	990 00	
INDIAN AFFAIRS BRANCH			
162	Branch Administration.....	53,362 50	
163	Indian Agencies.....	714,952 00	
	Reserves and Trusts—		
164	Administration.....	55,980 00	
	Medical—		
165	Indian Hospitals and General Care of Indians.....	1,218,916 00	
166	Grants to Hospitals.....	5,320 00	
	Welfare and Training—		
167	Welfare of Indians.....	975,315 00	
168	Indian Education.....	584,508 00	
169	Grants to Residential Schools.....	1,335,975 00	
170	Grants to Agricultural Exhibitions and Indian Fairs in the amounts detailed in the Estimates.....	6,050 00	
171	Grant to provide for additional services to Indians of British Columbia.....	100,000 00	
IMMIGRATION BRANCH			
172	Administration of the Immigration Act and the Chinese Immigration Act.....	179,923 00	
173	Field and Inspectional Service, Canada.....	1,111,400 00	
174	Field and Inspectional Service, Abroad.....	141,988 00	
175	Empire Settlement.....	1,000 00	
176	Relief of Distressed Canadians outside Canada.....	5,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	MINES AND RESOURCES—Concluded	\$ cts.	\$ cts.
	PENSIONS AND OTHER BENEFITS		
177	Mrs. Alice Morson Smith.....	600 00	
178	Mrs. Elizabeth Swinford.....	600 00	
179	To pay Mrs. E. B. Hutcheson as matron, notwithstanding the fact that owing to advanced age she may not be able to continue the regular performance of such duties, in recognition of the valuable services rendered by her late husband as Exhibition Commissioner.....	1,200 00	13,934,070 89
	NATIONAL DEFENCE		
180	Departmental Administration.....	425,720 00	
	MILITIA SERVICES		
181	Cadet Services.....	139,500 00	
182	Non-Permanent Active Militia.....	2,830,488 00	
183	Permanent Force.....	6,087,760 00	
184	Engineer Services and Works.....	2,483,500 00	
185	General Stores.....	3,854,437 00	
186	Royal Military College.....	381,500 00	
187	Grants to Military Associations and Institutes in the amounts detailed in the Estimates.....	103,450 00	
	NAVAL SERVICES		
188	Royal Canadian Navy.....	5,744,297 00	
189	H.M.C. Dockyards and Armament Supply Depots.....	422,260 00	
190	Royal Canadian Naval Reserves.....	319,800 00	
	AIR SERVICES		
	Royal Canadian Air Force—		
191	Permanent Air Force.....	9,410,567 00	
192	Non-Permanent Air Force.....	987,050 00	
193	Civil Government Air Operations.....	356,000 00	
	GENERAL		
194	Radio Services, North West Territories and Yukon Radio System.....	358,050 00	
195	Adjustment of War Claims including Grant of \$300 to McGill University toward upkeep of War Museum.....	64,000 00	
196	Battlefields Memorials.....	40,000 00	
197	Book of Remembrance.....	10,000 00	
198	Closing Relief Projects.....	2,000 00	
	PENSIONS AND OTHER BENEFITS		
	Civil Pensions—		
199	Robert Allen.....	269 52	
200	Walter Pettipas.....	515 90	
201	Florence Walker.....	360 00	
202	Arnold Truman Townsend.....	420 00	
203	Michael Mountain.....	420 00	34,022,364 42

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
204	General Administration.....	1,106,150 00	
205	Customs Excise Chemical Laboratory.....	39,215 00	
206	Inspection, Investigation and Audit Services.....	1,102,730 00	
207	Preventive Service Undervaluation Unit.....	64,845 00	
208	Ports, Outports and Preventive Stations, including pay for over- time of officers, notwithstanding anything in the Civil Ser- vice Act; and temporary buildings and rentals.....	7,548,200 00	
	INCOME TAX DIVISION		
209	General Administration, including authority to create positions and make appointments within the Division, notwithstand- ing anything contained in the Civil Service Act and the said positions and staff so appointed are hereby wholly ex- cluded from the operation of the said Act.....	310,335 00	
210	Internal Inspection and Verification.....	152,215 00	
211	District Offices.....	2,005,708 00	
	GENERAL		
212	Amount to be paid to the Department of Justice to be disbursed by and accounted for to it for Customs-Excise and Income Tax Secret Investigation Services.....	15,000 00	12,344,398 00
	PENSIONS AND NATIONAL HEALTH		
213	Departmental Administration.....	112,505 00	
	PENSIONS BRANCH		
214	Pensions Branch Administration.....	337,262 00	
	Canadian Pension Commission—		
215	Administration expenses.....	534,330 00	
216	War Veterans' Allowance Board.....	86,595 00	
217	Pension Appeal Court.....	44,630 00	
	Direct Payments to Veterans and Dependents		
218	European War Pensions.....	40,900,000 00	
219	War Veterans' Allowances.....	4,500,000 00	
220	Unemployment Assistance.....	2,350,000 00	
221	Hospital and Other Allowances.....	1,075,000 00	
222	Probational Training Allowances.....	120,000 00	
	Services to Veterans and Dependents		
223	Care of Patients.....	3,045,287 00	
224	Veterans Bureau.....	194,435 00	
225	Sheltered Employment.....	72,560 00	
226	Employers' Liability Compensation.....	40,000 00	
227	For the continuation or carrying out of projects or schemes com- menced or recommended by the Veterans' Assistance Com- mission and to authorize the employment or continuation in employment by the Governor in Council of such extra tem- porary officers, clerks and employees as may be necessary to carry out the purposes of the Veterans' Assistance Com- mission Act.....	100,000 00	
228	Grant to the Last Post Fund.....	75,000 00	
229	Grant to the Canadian Legion.....	9,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PENSIONS AND NATIONAL HEALTH— <i>Conc.</i>	\$ cts.	\$ cts.
	HEALTH BRANCH		
230	Health Branch Administration.....	52,480 00	
231	Food and Drugs.....	155,995 00	
232	Opium and Narcotic Drugs.....	50,780 00	
233	Proprietary or Patent Medicines.....	18,665 00	
234	Quarantine and Leprosy, including Contribution of \$1,000 to the International Bureau of Public Health.....	162,065 00	
235	Laboratory of Hygiene.....	70,610 00	
236	Immigration Medical Inspection.....	111,160 00	
237	Child and Maternal Hygiene.....	17,770 00	
238	Epidemiology.....	14,770 00	
239	Public Health Engineering.....	30,140 00	
240	Publicity and Health Education.....	17,024 00	
241	Treatment of Sick Mariners.....	187,390 00	
242	Industrial Hygiene.....	11,450 00	
243	Grants to Institutions Assisting Sailors in the amounts detailed in the Estimates.....	2,600 00	
	MISCELLANEOUS GRANTS		
244	Grant to the Canadian Welfare Council.....	8,100 00	
245	Grant to the Canadian National Committee for Mental Hy- giene.....	10,000 00	
246	Grant to the Health League of Canada.....	5,000 00	
247	Grant to the Canadian National Institute for the Blind.....	18,000 00	
248	L'Association Canadienne Francaise des Aveugles.....	4,050 00	
249	L'Institut Nazareth de Montreal.....	4,050 00	
250	Montreal Association for the Blind.....	4,050 00	
251	Grant to the Canadian Tuberculosis Association.....	20,250 00	
252	Grant to the Victoria Order of Nurses.....	13,100 00	
253	Grant to the Canadian Branch of the St. John Ambulance Asso- ciation.....	4,050 00	
254	Grant to the Canadian Red Cross Society.....	10,000 00	
255	Grant to the Canadian Dental Hygiene Council.....	2,500 00	
	PENSIONS AND OTHER BENEFITS		
256	Pensions payable to men on active service, Northwest Rebel- lion, 1885, and General Pensions.....	20,000 00	55,122,653 00
	POST OFFICE		
257	Departmental Administration, including amount required to pay allowances to Typists, Grade 1, employed cutting stencils, in accordance with regulations approved by Order in Council.....	553,020 00	
258	Post Offices, including salaries and other expenses of Head- quarters and Staff Post Offices and supplies and equipment for Revenue Post Offices.....	14,624,470 00	
259	Inspection and Investigation.....	1,046,840 00	
260	Railway Mail Service.....	10,323,670 00	
261	Air and Land Mail Services.....	8,052,005 00	
262	Audit of Revenue, Money Order, Postal Note and Savings Bank Business; Issue of Postage Stamps and Postal Notes, including amounts required to pay allowances to Office Appliance Operators, Grade 2, in accordance with terms of Order in Council P.C. 280/383, dated February 17, 1930, and P.C. 63/888, dated April 9, 1936.....	1,320,820 00	
263	To provide for payment to W. J. A. Stewart, a former employee of the Halifax Post Office, of the amount of \$3,509.65, repre- senting the difference between the amount of civil pay he received between the 25th September, 1915, and the 20th July, 1919, while absent on active military service overseas, and the amount he is entitled to under the provisions of Order in Council of the 11th August, 1914, P.C. 2102.....	3,509 65	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	POST OFFICE— <i>Concluded</i>		
	PENSIONS AND OTHER BENEFITS		
264	To provide for the payment of compassionate allowances to employees injured while in the performance of their duties, or to other persons injured while performing duties in any way connected with the Postal Service, or in protecting His Majesty's mails, or to the dependents of such employees or other persons who may be killed while so engaged; payments to be made only on the specific authority of the Governor in Council.....	5,000 00	35,929,334 65
	PRIME MINISTER'S OFFICE		
265	Salaries of Staff, including the appointment of E. Handy as Principal Clerk at \$2,040.....		45,405 00
	PRIVY COUNCIL OFFICE		
266	Salaries and expenses of Office.....		54,115 00
	PUBLIC ARCHIVES		
267	General Administration.....		173,435 00
	PUBLIC PRINTING AND STATIONERY		
268	Departmental Administration.....	42,260 00	
269	Printing, binding and distributing the Annual Statutes.....	8,500 00	
270	Canada Gazette.....	23,500 00	
271	Plant—repairs and renewals.....	10,000 00	
272	Distribution of Official Documents.....	44,100 00	
273	Printing and binding Official Publications for sale and distribution to Departments and the Public.....	40,000 00	168,360 00
	PUBLIC WORKS		
274	Departmental Administration.....	190,670 00	
	CHIEF ARCHITECT'S BRANCH		
275	Branch Administration.....	224,460 00	
276	Ottawa—Maintenance and Operation of Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating, etc.....	2,540,700 00	
277	Maintenance and Operation of Other Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating, etc.....	3,399,515 00	
278	Telephone Service at Ottawa.....	96,000 00	
279	Telephone Service other than at Ottawa.....	8,285 00	
	Construction, Repairs and Improvements of Public Buildings		
	<i>Nova Scotia</i>		
280	Berwick—Public building (revote \$3,500).....	4,500 00	
	<i>New Brunswick</i>		
281	Saint John Quarantine Station—Partridge Island—Improvements, alterations and repairs (revote \$2,000).....	6,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	CHIEF ARCHITECT'S BRANCH—Concluded		
	Construction, Repairs and Improvements of Public Buildings —Concluded		
	<i>Maritime Provinces Generally</i>		
282	Dominion Public Buildings—Improvements and repairs.....	50,000 00	
	<i>Quebec</i>		
283	Bedford—Public Building (revote \$20,000).....	23,000 00	
	Dominion Public Buildings—Improvements and repairs.....	100,000 00	
	<i>Ontario</i>		
284	Dominion Public Buildings—Improvements and repairs.....	125,000 00	
	Fort Erie—Public Building (revote).....	4,000 00	
	Kenora Public Buildings—Installation of fittings and alterations (revote).....	6,000 00	
	Kitchener—Public Building (revote).....	175,000 00	
	Ottawa—Rideau Hall—Improvements.....	14,000 00	
	Powassan—Public building (revote).....	3,500 00	
	Toronto—Dominion Building—Improvements and repairs.....	10,000 00	
	<i>Manitoba</i>		
285	Dominion Public Buildings—Improvements and repairs.....	40,000 00	
	Steinbach—Public building.....	3,000 00	
	<i>Saskatchewan</i>		
286	Dominion Public Buildings—Improvements and repairs.....	50,000 00	
	Saskatoon—Public Building—Improvement and repairs.....	6,000 00	
	<i>Alberta</i>		
287	Dominion Public Buildings—Improvements and repairs.....	40,000 00	
	Peace River—Public Building (revote).....	36,000 00	
	<i>British Columbia</i>		
288	Dominion Public Buildings—Improvements and repairs.....	50,000 00	
	Kelowna—Public building.....	10,000 00	
	Powell River—Public building (revote).....	58,000 00	
	Prince Rupert—Public building (revote \$145,000).....	170,000 00	
	<i>Yukon Territory</i>		
289	Dawson Administration Building—Repairs, improvements and alterations.....	12,500 00	
	<i>Generally</i>		
290	Dominion Immigration Buildings—Repairs, improvements, etc.....	35,000 00	
291	Dominion Quarantine Stations—Maintenance and repairs.....	13,000 00	
292	Experimental Farms and Science Laboratories—Replacements, repairs and improvements to buildings.....	100,000 00	
293	Flags for Dominion Buildings.....	5,000 00	
294	Military Buildings—Repairs, fittings and additions.....	25,000 00	
295	Veterans' Hospitals—Repairs, improvements and alterations (revote \$16,000).....	80,000 00	
296	National Monument on Connaught Place (revote \$90,000).....	150,000 00	
297	Statue of the late Sir Arthur G. Doughty, to be erected in front of the Dominion Archives Building.....	15,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	CHIEF ENGINEER'S BRANCH		
298	Branch Administration.....	210,880 00	
299	Engineering, including salaries of Engineers, Clerks, etc.....	515,245 00	
	Dredging		
300	General Superintendence.....	12,640 00	
301	Maritime Provinces.....	375,000 00	
302	Ontario and Quebec.....	326,700 00	
303	Manitoba, Saskatchewan and Alberta.....	110,000 00	
304	British Columbia.....	185,000 00	
	Maintenance and Operation of Graving Docks, Locks and Dams, etc.		
305	Champlain Graving Dock.....	69,000 00	
306	Esquimalt Graving Dock.....	83,000 00	
307	Lorne Graving Dock.....	40,000 00	
308	Selkirk—Repair slip.....	4,000 00	
309	Maintenance and operation of locks and dams.....	62,800 00	
310	Maintenance and operation of snagboats.....	41,000 00	
	Maintenance and Operation of Roads and Bridges		
311	Burlington Channel Bridge.....	16,000 00	
312	Kingston, La Salle Causeway.....	10,500 00	
313	Ottawa, bridges and approaches (revote \$3,500).....	26,200 00	
314	Generally.....	31,200 00	
	Construction, Repairs and Improvements —Harbours and Rivers		
	Nova Scotia		
	<i>Essential Undertakings—</i>		
	Little Anse—Breakwater reconstruction.....	43,400 00	
	Malagash—Wharf Improvements.....	19,000 00	
	New Harbour—Breakwater repairs.....	8,200 00	
315	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	250,000 00	
	Prince Edward Island		
	<i>Under Contract—</i>		
	Summerside—Improvements to wharf.....	3,100 00	
316	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	75,000 00	
	New Brunswick		
	<i>Under Contract—</i>		
	Grande Anse—Dredging (revote \$4,800).....	7,500 00	
	<i>Essential Undertakings—</i>		
	Caissie's Cape—Breakwater repairs and improvements....	17,000 00	
	Escuminac—Breakwater improvements.....	45,000 00	
	Wilson's Beach—Breakwater-wharf extension, estimated total cost \$100,000, revote \$20,000.....	50,000 00	
317	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	100,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	CHIEF ENGINEER'S BRANCH—Continued		
	Construction, Repairs and Improvements—Harbours and Rivers—Continued		
	<i>Quebec</i>		
	<i>Under Contract—</i>		
	Riviere Laguerre—Contribution towards completion of improvements, the Provincial Government to bear a like amount (revote \$1,000).....	10,000 00	
	<i>Essential Undertakings—</i>		
318	Cape Cove (Anse du Cap)—Wharf reconstruction.....	41,600 00	
	Cacouna—Wharf repairs.....	13,000 00	
	Grande Baie (St. Alexis)—Wharf reconstruction.....	26,600 00	
	Manicouagan—Wharf improvements. One third of cost to be contributed by the Ontario Paper Co. Ltd.....	31,000 00	
	Riviere au Tonnerre—Harbour improvements.....	8,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	275,000 00	
	<i>Ontario</i>		
	<i>Under Contract—</i>		
	Port Arthur—Harbour improvements (Revote).....	51,300 00	
	<i>Essential Undertakings—</i>		
319	Cobourg—Maintenance dredging.....	20,000 00	
	Owen Sound—Harbour repairs and improvements.....	49,000 00	
	Sarnia—Reconstruction of harbour works.....	25,000 00	
	Rondeau—Reconstruction of East pier.....	28,000 00	
	Toronto—Maintenance of eastern channel.....	15,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	180,000 00	
	<i>Manitoba</i>		
	<i>Essential Undertakings—</i>		
320	Red River—Repairs to breakwaters.....	35,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	25,000 00	
	<i>Saskatchewan, Alberta and North West Territories</i>		
321	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	15,000 00	
	<i>British Columbia</i>		
	<i>Essential Undertakings—</i>		
322	Campbell River—Wharf repairs.....	8,800 00	
	Fraser River—Contribution towards protection work at Rosedale, the Provincial Government and the Municipality of Chilliwack each to contribute a like amount.	4,000 00	
	Port Clements—Wharf repairs.....	10,300 00	
	Quathiaske Cove—Wharf extension and repairs.....	4,800 00	
	Queen Charlotte City—Wharf repairs.....	8,700 00	
	Shoal Bay—Wharf repairs and extension.....	8,800 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	100,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Concluded		
	CHIEF ENGINEER'S BRANCH—Concluded		
	Construction, Repairs and Improvements—Harbours and Rivers—Concluded		
	<i>Yukon</i>		
	<i>Essential Undertakings—</i>		
323	Stewart and Yukon Rivers—Improvements (revote \$4,400)	5,000 00	
	<i>Generally</i>		
324	Miscellaneous works not otherwise provided for, not more than \$3,000 to be expended upon any one work.....	50,000 00	
	TELEGRAPH BRANCH		
325	Branch Administration.....	26,160 00	
	Telegraph and Telephone Services—Operation and Maintenance		
326	Land and Cable Telegraph Lines—Lower St. Lawrence and Maritime Provinces, including working expenses of vessels for cable work.....	133,000 00	
327	Alberta and Saskatchewan.....	92,500 00	
328	Division Superintendent's office, Vancouver.....	12,300 00	
329	British Columbia—Northern and Yukon Districts.....	153,000 00	
330	British Columbia—Vancouver Island District.....	92,200 00	
331	Telegraph and Telephone Services Generally.....	3,600 00	
	Reconstruction, Repairs and Improvements		
332	Maritime Provinces.....	8,000 00	
333	Saskatchewan and Alberta.....	16,500 00	
334	British Columbia—Northern and Yukon Districts.....	17,000 00	
335	British Columbia—Vancouver Island District.....	9,000 00	
	GENERALLY		
336	National Gallery of Canada.....	115,000 00	
337	To supplement, on approval of Treasury Board, except where less than \$200 is required, any of the appropriations of the Department of Public Works.....	100,000 00	
			12,443,655 00
	ROYAL CANADIAN MOUNTED POLICE		
338	General Administration.....	227,368 88	
339	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses.....	5,036,172 87	
340	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses.....	700,257 25	
341	Grant to the Chief Constables Association of Canada.....	500 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	ROYAL CANADIAN MOUNTED POLICE—Concluded		
	PENSIONS AND OTHER BENEFITS		
342	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty.....	12,000 00	
343	Pensions to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	587 65	
344	Pensions to families of members of the Mounted Police Force who lost their lives while on duty—		
	Mrs. Mary Emma Bossange.....	456 25	
	Mrs. Margaret Johnson Brooke.....	821 25	
	Mrs. Margaret Cox.....	470 63	
	Mrs. Elizabeth Fitzgerald.....	525 00	
	Mrs. Georgina Harrison.....	676 50	
	Mrs. Letitia Kennedy.....	423 50	
	Mrs. Nora Jean Massan.....	300 00	
	Mrs. Mary Miller.....	667 38	
	Mrs. Margaret Nicholson.....	566 83	
	Mrs. Catherine Mildred Ralls.....	765 25	
	Mrs. Myrtle L. Richards.....	720 00	
	Mrs. Doris Freda Sampson.....	816 00	
	Mrs. Amy Lillian Searle.....	406 98	
	Mrs. Madelaine Mary Shoebothom.....	810 00	
	Mrs. Eunice Wainwright.....	602 50	
345	Pension to James Elliott.....	672 00	5,986,586 72
	SECRETARY OF STATE		
346	Departmental Administration.....	95,775 00	
347	Naturalization Branch.....	62,180 00	
348	Companies Branch.....	48,360 00	
349	Bureau for Translations.....	281,130 00	
350	Canada Temperance Act.....	5,000 00	
	PATENT AND COPYRIGHT OFFICE		
351	Branch Administration.....	34,285 00	
352	Patent Division.....	143,000 00	
353	Trade Marks and Copyright Division.....	39,000 00	
354	Patent Record.....	31,980 00	
355	Contribution to the International Office for the Protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works.....	2,700 00	743,410 00
	SOLDIER SETTLEMENT OF CANADA		
356	To provide for the cost of administration of Soldier Settlement, General Land Settlement and field services for other Departments of Government, and to empower the Civil Service Commission to authorize payment of salaries to unclassified employees made permanent by amendment to the Soldier Settlement Act, 1935, at the rates effective at the time they were made permanent.....	727,980 00	
357	To provide for the payment to the Government of the United Kingdom on account of ascertained losses sustained under the 3,000 British Family Agreement of August 20, 1924.....	10,896 88	738,876 88

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
TRADE AND COMMERCE			
358	Departmental Administration.....	113,563 00	
	An Act to place Canadian Coal used in the manufacture of Iron or Steel on a basis of equality with imported coal—		
359	Administration.....	600 00	
360	Commercial Intelligence Service.....	836,085 00	
361	Electricity and Gas Inspection Service, including administra- tion of the Electricity and Fluid Exportation Act.....	259,890 00	
362	Exhibitions and Fairs.....	438,720 00	
363	Foreign Tariffs Office.....	36,200 00	
364	Motion Picture Bureau.....	88,059 00	
365	Precious Metals Marking Act.....	12,900 00	
366	Publicity and Advertising in Canada and Abroad other than in the United Kingdom and Europe.....	56,920 00	
367	Publicity and Advertising in the United Kingdom and Europe.	356,580 00	
368	Weights and Measures Inspection Service.....	439,325 00	
369	Port of London Authority, Annual payment for defrosting facilities.....	2,233 82	
370	Contribution to the International Bureau of Exhibitions.....	1,000 00	
371	Contribution to the International Customs Tariffs Bureau.....	2,700 00	
372	To provide for expenses of the Royal Grain Inquiry Commission including authority for payment of honorarium to Dr. T. W. Grindley, Secretary.....	15,000 00	
	Canada Grain Act—		
373	Administration.....	105,169 00	
374	Operation and Maintenance, including Inspection and Weighing.....	1,502,601 00	
375	Canadian Government Elevators, including equipment....	266,240 00	
	Dominion Bureau of Statistics—		
376	Administration.....	69,085 00	
377	Statistics.....	698,255 00	
378	Census of Population.....	120,520 00	
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS			
379	Administration.....	12,300 00	
<i>Atlantic Ocean</i>			
380	Canada and the United Kingdom on the Atlantic, service between.....	250,000 00	
	Canada and South Africa, service between.....	100,000 00	
<i>Pacific Ocean</i>			
	British Columbia and China, and/or Australia, service between	118,800 00	
	British Columbia and South Africa, service between.....	80,000 00	
	Canada, China and Japan, service between.....	600,000 00	
	Canada and New Zealand on the Pacific, service between.....	300,000 00	
381	Prince Rupert, B.C., and Queen Charlotte Islands, service between.....	10,000 00	
	Vancouver and the British West Indies, service between.....	25,000 00	
	Vancouver and Northern Ports of British Columbia, service between.....	15,000 00	
	Victoria, Vancouver, way ports and Skagway, service between.	10,000 00	
	Victoria and West Coast Vancouver Island, service between....	10,000 00	
<i>Local Services</i>			
	Baddeck and Iona, service between.....	8,000 00	
	Charlottetown and Pictou, service between.....	25,000 00	
382	Chester and Tancook Island, winter service between.....	1,600 00	
	Grand Manan and the Mainland, service between.....	33,000 00	
	Halifax, Canso and Guysboro, service between.....	6,750 00	
	Halifax, Sherbrooke and Spry Bay, service between.....	2,900 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRADE AND COMMERCE—Concluded		
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—Concluded		
	Halifax, LaHave and LaHave River Ports, service between..	1,500 00	
	Halifax, South Cape Breton, Bras d'Or Lake ports and Bay St. Lawrence, service between.....	5,500 00	
	Ile-aux-Coudres and Les Eboulements, service between.....	1,900 00	
	Mulgrave, Arichat and Canso, service between.....	37,000 00	
	Mulgrave and Guysboro, calling at intermediate ports, service between.....	9,500 00	
	Murray Bay and North Shore, winter service between.....	40,000 00	
	Parrsboro, Kingsport and Wolfville, service between.....	2,500 00	
	Pelee Island and the Mainland, service between.....	7,000 00	
	Pictou, Mulgrave and Cheticamp, service between.....	11,500 00	
	Pictou, Souris and the Magdalen Islands, service between....	35,000 00	
	Quebec, Natashquan and Harrington, service between.....	85,000 00	
	Quebec or Montreal and Gaspé, calling at way ports, service between.....	60,000 00	
	Rimouski and Matane and points on the North Shore of the St. Lawrence, service between.....	50,000 00	
382	Riviere-du-Loup and Tadoussac and other North Shore points, service between.....	10,000 00	
	St. Catherine's Bay and Tadoussac, service between.....	3,500 00	
	St. John, Bear River, Annapolis and Granville and other way ports, service between.....	1,500 00	
	St. John and Bridgetown, service between.....	800 00	
	St. John and Margareville, and other ports on the Bay of Fundy, service between.....	2,500 00	
	St. John and Minas Basin ports, service between.....	5,000 00	
	St. John and St. Andrews, calling at way ports, service between..	3,000 00	
	St. John, Westport and Yarmouth and other way ports, service between.....	10,000 00	
	St. John and Weymouth, service between.....	1,000 00	
	Summerville, Burlington and Windsor, N.S., service between..	750 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between.....	22,000 00	
	Sydney and Bras d'Or Lake Ports and West Coast of Cape Breton and Prince Edward Island, service between.....	22,500 00	
	Sydney and Whycomagh, service between.....	16,000 00	
	NATIONAL RESEARCH COUNCIL		
383	Salaries and other expenses of the National Research Council..	756,680 00	8,231,625 82
	TRANSPORT		
384	Departmental Administration.....	373,124 00	
	AIR SERVICE		
385	Air Service Administration.....	10,665 00	
	<i>Civil Aviation Division</i>		
386	Control of Civil Aviation including the administration of the Aeronautics Act and Regulations issued thereunder.....	317,500 00	
387	Airways and Airports—Construction and improvements in- cluding lighting and radio facilities—(Capital).....	1,722,400 00	
388	Airways and Airports—Operation and maintenance including lighting, radio and meteorological services.....	910,669 00	
389	Grants to Aeroplane Clubs, including grant of \$5,000 to the Canadian Flying Clubs Association.....	60,000 00	
390	To provide for contributions to assist municipalities to improve existing airports or provide new airports.....	800,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—Continued		
	AIR SERVICE—Concluded		
	<i>Meteorological Division</i>		
391	Meteorological Service, including an allowance of \$400 to L. F. Gorman, Observer at Ottawa.....	426,000 00	
392	Grant to Kingston Observatory.....	500 00	
	<i>Radio Division</i>		
393	Administration of the Radiotelegraph Act and Regulations....	100,775 00	
394	Radio direction finding stations, radio beacons and radiotelegraph stations—operation and maintenance.....	634,324 75	
395	Suppression of local electrical interferences.....	205,478 00	
396	Issue of radio receiving licences (Transport Department only)...	113,420 00	
	CANALS SERVICE		
397	Canals Service Administration.....	33,100 00	
398	Canals—Operation and Maintenance.....	2,177,450 00	
399	Canals—Improvements (revote \$23,500.00).....	347,200 00	
400	To provide for expenses in connection with St. Lawrence Ship Canal Surveys and Investigations.....	3,000 00	
401	To provide for the carrying out of flow measurements and other expenses connected with the Department's supervision and control over the hydro-electric power development of the Beauharnois Light, Heat and Power Company, Limited...	5,000 00	
	MARINE SERVICE		
402	Marine Service Administration.....	18,040 00	
403	Administration of floating equipment.....	28,835 00	
	Nautical Services—		
404	Nautical Service Administration.....	24,775 00	
405	Marine Service Steamers, including Ice-breakers—Maintenance, operation and repairs.....	1,326,700 00	
406	Miscellaneous services relating to navigation and shipping including grants of \$600 towards School of Navigation at Lunenburg, N.S. and \$500 towards School of Navigation at Queen's University.....	48,060 00	
407	Life saving service, including rewards for saving life.....	47,000 00	
408	Marine signal service.....	96,000 00	
409	Administration of pilotage.....	125,904 00	
410	To provide subsidies for wrecking plants—Quebec and British Columbia.....	45,000 00	
411	Aids to Navigation—Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers.....	1,897,785 00	
412	Maintenance and repairs to wharves.....	7,500 00	
413	To provide for breaking ice in Thunder Bay, Lake Superior, and other points deemed advisable in the interests of navigation.....	30,000 00	
414	To provide for Canada's share of the cost of the North Atlantic Ice Patrol.....	6,000 00	
415	Steamboat Inspection and the carrying out of the provisions of the Conventions for the safety of life at sea and load lines.....	185,310 00	
416	Agencies, salaries and office expenses.....	243,910 00	
417	River St. Lawrence Ship Channel—Contract dredging in the St. Lawrence River and Montreal Harbour, and the extension of existing weirs, including cost of administration—Capital.....	2,933,400 00	
418	River St. Lawrence Ship Channel—Operation and maintenance including any portion of contract dredging chargeable to maintenance.....	321,600 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—Continued		
	MARINE SERVICE—Concluded		
419	Grants of \$200 each to the Royal Arthur Sailors Institutes, at Port Arthur, Kingston and Toronto, which provide for medical assistance to and hospitalization for distressed seamen on the Great Lakes.....	600 00	
420	To provide for the removal of derelicts in Canadian waters.....	15,000 00	
421	To provide towards the construction of a combination Ice-breaker and Service Vessel, estimated to cost \$600,000—Amount required for 1938-39—Capital.....	200,000 00	
	RAILWAY SERVICE		
422	Railway Grade Crossing Fund—Amount (in addition to that provided by section 262, subsection (6) of the Railway Act) to be placed to the credit of the Railway Grade Crossing Fund, and to be applied by the Board of Railway Commissioners for Canada pursuant to, and within the limitations of, the provisions of Section 262, of the Railway Act, as enacted by chapter 43 of the Statutes of Canada, 1928, and amended by chapter 54 of the Statutes of Canada, 1929....	300,000 00	
423	Board of Railway Commissioners for Canada—Administration, maintenance and operation, including provision for the appointment of George Kydd as Division Engineer at a salary of \$3,420.00 per annum, notwithstanding anything in the Civil Service Act.....	262,040 00	
424	Repairs and expenses in connection with the operation and maintenance of official railway cars under the jurisdiction of the Department.....	51,080 00	
425	Hudson Bay Railway—To provide for the difference between expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1939, not exceeding.....	370,000 00	
426	Hudson Bay Railway—Construction and improvements—Capital.....	25,000 00	
427	Maritime Freight Rates Act— To hereby authorize and provide for the payment from time to time during the fiscal year 1938-39 to the Canadian National Railway Company of the difference (estimated by the auditors of the said Company and certified by the said auditors to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1938, under the tariffs approved, on the Eastern Lines (as referred to in section 2 of the said Act) of the Canadian National Railways.	2,278,000 00	
428	Amount required to provide for payment from time to time during the fiscal year 1938-39 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Transport as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in section 9 of the said Act) on all traffic moved during 1938, under the tariffs approved by the following companies: Canada & Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton & Grand Lake Coal & Railway Company; New Brunswick Coal & Railway Company, Cumberland Railway & Coal Company, Dominion Atlantic Railway, Maritime Coal, Railway & Power Company, Sydney & Louisburg Railway, Temiscouata Railway Company.....	860,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT— <i>Concluded</i>		
	RAILWAY SERVICE— <i>Concluded</i>		
	Maritime Freight Rates Act— <i>Concluded</i>		
429	Interest on rails rolled for Canadian National Railways: To provide for payment of interest under the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for the Canadian National Railway Company.....	30,000 00	
	CANADIAN TRAVEL BUREAU SERVICE		
430	To assist in promoting Tourist Business in Canada.....	250,000 00	
	PENSIONS AND OTHER BENEFITS		
431	Amount required to pay pensions of \$300 each to former pilots: Alphonse Asselin, Adjutor Baillargeon, J. Alphonse Lachance, Joseph Pouliot, Raoul Lachance, Arthur Baillargeon, J. H. Talbot, Jules Asselin, Joseph Vezina and \$150 to J. B. Pouliot.....	2,850 00	
432	Compassionate allowance to John Davidson, formerly light-keeper at Cape Mudge, B.C.....	500 00	
433	Compassionate allowance to Lawrence Larson, formerly employed as caretaker at the Esquimalt Workshop of the Radiotelegraph Service.....	500 00	
434	Compassionate allowance to recoup the Workmen's Compensation Board of British Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1939, in the sum of \$35.00 per month, to the widow of the late E. J. McCoskrie, who was formerly employed as Port Warden at Prince Rupert, B.C. and who was killed while in the performance of his duties.....	420 00	
435	Railway Employees Provident Fund— To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees Provident Fund Act so as to make the minimum payment during the period January 1, 1938, to March 31, 1939, the sum of \$30.00 per month instead of \$20.00, as fixed by the said Act.....	26,300 00	
			20,298,714 75
	GOVERNMENT OWNED ENTERPRISES		
	NATIONAL HARBOURS BOARD		
436	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures during the calendar year 1938 on any or all of the following accounts:— (a) Retirement of Maturing Debentures— Halifax.....\$ 1,700,000 00 Saint John.....60,256 94 Quebec.....400,000 00 (b) Reconstruction and Capital Expenditures (Revote \$36,000)— Saint John.....\$ 130,000 00 Chicoutimi.....12,000 00 Quebec.....365,500 00 Trois-Rivieres.....160,000 00 Generally unforeseen.....100,000 00	2,160,256 94	
		767,500 00	

SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
	GOVERNMENT OWNED ENTERPRISES—Concluded	\$ cts.	\$ cts.
	CANADIAN NATIONAL RAILWAYS		
437	Prince Edward Island Car Ferry and Terminals—Capital construction and improvements.....	35,000 00	
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
438	Advances to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine and to be applied in payment of capital expenditure in connection with vessels under the Company's control during the year ending December 31, 1938.....	24,000 00	2,986,756 94
	LOANS AND INVESTMENTS		
	NATIONAL HARBOURS BOARD		
439	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures during the calendar year 1938 on any or all of the following accounts (Revote \$268,100): Reconstruction and Capital Expenditures— Montreal.....\$ 1,297,500 00 Less amount to be expended from Replacement Fund..... 367,700 00	929,800 00	
	SOLDIER SETTLEMENT		
440	To provide for Soldier Land Settlement advances and for advances and for advances under the British Family Schemes and agreements, recoverable from the Government of the United Kingdom.....	247,700 00	1,177,500 00
	Total.....		234,345,746 92

* Net Total, \$156,230,497.94

SCHEDULE B

Based on the Supplementary Estimates, 1938-39. The amount hereby granted is \$88,757,863.42, being five-sixths of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1939, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
AGRICULTURE			
475	Departmental Administration—Further amount required.....	7,350 00	
476	Publicity and Extension Division—Further amount required...	5,640 00	
<i>Special</i>			
477	To provide for the payment of freight on the return of live stock and equipment from places of feed supply to the dried-out areas in the Provinces of Saskatchewan and Alberta.....	100,000 00	
478	To provide for feed and fodder relief in the dried out areas and to provide for direct relief in the dried-out areas for the months of April, May and June, 1938.....	2,000,000 00	
479	To provide assistance to the Provinces for resettlement.....	365,000 00	
480	Prairie Farm Rehabilitation Act and Water Storage.....	3,500,000 00	
MARKETING SERVICES			
481	Agricultural Economics, including grant of \$5,000 to the International Conference of Agricultural Economists—Further amount required.....	7,690 00	
482	Dairy Products—Further amount required.....	20,050 00	
483	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and special grant of \$90,500 to Manitoba Cold Storage, Limited, Winnipeg, Manitoba, and special grant to the Temiskaming Producers' Co-operative, New Liskeard, Ontario, \$1,050.00—Further amount required.....	178,836 80	
484	Fruit and Vegetable Products—Further amount required.....	4,972 00	
485	Live Stock and Poultry—Further amount required.....	7,040 00	
PRODUCTION SERVICES			
Health of Animals—			
486	Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act—Further amount required	39,800 00	
487	Compensation for animals slaughtered—Further amount required.....	110,000 00	
488	Compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and regulations thereunder.....	1,200 91	
489	Live Stock and Poultry—Further amount required.....	24,785 00	
490	Plant Inspection, Insects and Diseases—Further amount required.....	30,185 00	
491	Seed, Feed and Fertilizer Control—Further amount required..	20,565 00	
Grants to Fairs and Exhibitions—			
492	Administration of Grants to Fairs and Exhibitions—Further amount required.....	240 00	
493	Grants for fair buildings and improvements, in the amounts detailed in the Estimates—Further amount required.—	65,850 00	
EXPERIMENTAL FARMS			
494	Central Experimental Farm, Ottawa—Further amount required.....	42,545 00	
495	Branch Farms and Stations and Illustration Stations—Further amount required.....	42,230 00	
496	New buildings at Central Farm and Branch Farms and Stations, as detailed in the Estimates.....	54,515 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	AGRICULTURE— <i>Concluded</i>		
	SCIENCE SERVICES		
497	Animal and Poultry Pathology—Further amount required.....	7,020 00	
498	Bacteriology—Further amount required.....	360 00	
499	Botany and Plant Pathology—Further amount required.....	8,595 00	
500	Chemistry—Further amount required.....	1,680 00	
501	Entomology—Further amount required.....	19,210 00	
502	New Buildings for Science Services, as detailed in the Estimates.....	76,700 00	6,742,059 71
	AUDITOR GENERAL'S OFFICE		
503	Salaries and expenses of office—Further amount required.....		21,736 00
	CIVIL SERVICE COMMISSION		
504	Salaries and Expenses of the Commission—Further amount required.....		5,340 00
	EXTERNAL AFFAIRS		
505	Representation abroad, including Ministers Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments—Further amount required.....	60,000 00	
506	To provide for expenses arising out of the Trail Smelter Arbitration (Revote).....	7,600 00	67,600 00
	FINANCE		
507	Royal Canadian Mint, including the Dominion of Canada Assay Office—Further amount required.....	4,088 00	
	MISCELLANEOUS GRANTS AND CONTRIBUTIONS		
508	Federal District Commission— To provide for improvement of Parks and Driveways under the control of the Federal District Commission—Further amount required (Revote \$25,000).....	31,000 00	
	<i>Special</i>		
509	National Battlefields Commission—Continuation of park development.....	100,000 00	135,088 00
	FISHERIES		
510	To provide for the replacement of fisheries service vessels.....	150,000 00	
	<i>Special</i>		
511	To enable aiding fishermen, groups of fishermen and others to establish or better establish themselves in the industry....	500,000 00	
512	To aid in expanding the sale of the products of the Canadian fishermen in foreign and domestic markets.....	150,000 00	800,000 00
	INSURANCE		
513	Departmental Administration—Further amount required.....		3,600 00

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
JUSTICE			
514	To provide for publication of Canadian Constitutional Decisions of the Privy Council, 1929-1937: Payments may be made notwithstanding anything contained in the Civil Service Act.....	3,500 00	
515	To hereby provide for the payments of gratuities to the widows or to any dependent children, of judges who die while in office.....	15,000 00	18,500 00
LABOUR			
<i>Special</i>			
516	To provide for commitments under Relief Settlement Agreements with Provincial Governments (Revote).....	200,000 00	
517	To provide for commitments and completion of works in connection with Federal contributions to Provincial and Municipal relief projects (Revote).....	1,075,000 00	
518	To provide for commitments and completion of works in connection with Federal contributions towards the Greater Winnipeg Sewage Disposal Scheme (Revote).....	40,000 00	
519	To provide for outstanding claims for Drought Area relief under the Relief Act, 1935.....	33,000 00	
520	To provide for Federal contributions to Farm Employment and Supplementary Plans (Revote for commitments \$870,000).....	1,870,000 00	
521	To provide for development and training projects for unemployed young people (Revote for commitments \$290,000).....	1,750,000 00	
522	To provide, in co-operation with the provinces, for rehabilitation of unemployed persons.....	500,000 00	
523	Amount required to provide for administration expenses generally, including salaries and travelling expenses— Unemployment Relief Branch.....	211,500 00	
	National Registration.....	110,000 00	
524	Unforeseen contingencies.....	750,000 00	
<i>Grants-in-Aid</i>			
525	Amount required to provide for monthly Grants-in-Aid to the Provinces.....	17,500,000 00	24,039,500 00
LEGISLATION			
THE SENATE			
526	To provide for the payment of the full sessional indemnity for the session of 1938 to Members of the Senate for days lost through absence due to public business, by illness, or on account of death. Payment to be made as Treasury Board may direct.....	10,000 00	
527	General Administration—Further amount required.....	10,000 00	
HOUSE OF COMMONS			
528	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct.....	30,000 00	50,000 00

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MINES AND RESOURCES		
	MINES AND GEOLOGY BRANCH		
	<i>Special</i>		
529	Geological Surveys.....	50,000 00	
530	To assist in provision of transportation facilities into mining areas and to authorize subject to the approval of the Governor in Council, the appointment of such extra temporary officers, clerks and employees as may be necessary to carry out the purpose of any of the items designated "Special" under this Department.....	1,310,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
	Government of the Northwest Territories—		
531	General Administration, operation, maintenance and improvement of services, including Wood Buffalo Park—Further amount required.....	20,300 00	
	<i>Special</i>		
	National Parks Bureau—		
532	Historic Sites.....	450,000 00	
533	National Parks.....	400,000 00	
534	Development of Tourist Highways.....	1,750,000 00	
535	Forest Conservation.....	200,000 00	
536	Construction Expenses, Banff-Jasper Highway.....	300,000 00	
537	To assist in the development of the Canadian section of the International Peace Garden, Manitoba.....	10,000 00	
	SURVEYS AND ENGINEERING BRANCH		
	Hydrographic and Map Service—		
538	Legal Surveys and Map Service—Further amount required.	11,000 00	
539	To provide for expenses incurred under the Lake of the Woods Convention 1925 for participation in legal proceedings in the United States incidental to acquiring a flowage easement over lands bordering on Lake of the Woods in the United States, two-thirds of the moneys expended to be reimbursed to the Dominion by the Provinces of Manitoba and Ontario under the terms of the Agreement of November 15, 1922 (Revote).....	1,000 00	
540	To provide for the construction of the Birchbank Gauging Station.....	2,590 00	
	<i>Special</i>		
541	Roads—Construction, improvement and repairs of Golden-Revelstoke Highway and improvements to main tourist routes from the International Boundary to Banff, in Banff National Park, and to Yoho and Kootenay Parks.....	600,000 00	
	INDIAN AFFAIRS BRANCH		
	Medical—		
542	Grants to Hospitals—Further amount required.....	25,000 00	
	Welfare and Training—		
543	Indian Education—Further amount required.....	25,000 00	
	<i>Special</i>		
544	Fur Conservation.....	50,000 00	
	IMMIGRATION BRANCH		
545	To provide for investigation of illegal entry of aliens into British Columbia.....	15,000 00	
			5,219,890 00

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	NATIONAL DEFENCE		
	MILITIA SERVICES		
546	Engineer Services and Works—Further amount required (Re- vote \$204,385).....	316,385 00	
547	General Stores—Further amount required (Revote \$394,300)..	530,000 00	
	NAVAL SERVICES		
548	Royal Canadian Navy—Further amount required (Revote \$73,875).....	122,875 00	
549	Royal Canadian Naval Reserves—Further amount required..	30,000 00	
	AIR SERVICES		
550	Royal Canadian Air Force— Permanent Air Force—Further amount required (Revote \$804,900).....	884,900 00	
551	Non-Permanent Air Force—Further amount required (Re- vote).....	48,000 00	1,932,160 00
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
552	To provide for payment to C. P. Blair, formerly Assistant Commissioner of Customs, compensation for services in connection with the revision of the Customs Act, in the event of same being required.....	1,250 00	
553	To provide, notwithstanding anything contained in the Con- solidated Revenue and Audit Act, or any other Act or Law, for payment out of the Consolidated Revenue Fund to Hector Hamel, formerly Assistant Customs Appraiser, Montreal, the amount of his contributions to the Civil Ser- vice Superannuation Fund.....	2,759 61	
	INCOME TAX DIVISION		
554	District Offices—Further amount required.....	41,742 00	45,751 ¹ / ₆₁
	PENSIONS AND NATIONAL HEALTH		
	PENSIONS BRANCH		
555	Pensions Branch Administration—Further amount required....	30,240 00	
556	War Veterans' Allowance Board—Further amount required....	73,200 00	
	<i>Direct Payments to Veterans and Dependents</i>		
557	War Veterans' Allowances—Further amount required.....	1,400,000 00	
	<i>Services to Veterans and Dependents</i>		
558	For the continuation or carrying out of projects or schemes commenced or recommended by the Veterans' Assistance Commission, etc.—Further amount required	50,000 00	
	HEALTH BRANCH		
559	Venereal Diseases—For the distribution of arsenicals to the Provinces on the basis of population and the number of treatments and subject to an undertaking that the Provinces will not curtail their venereal diseases expenditures.....	50,000 00	
	MISCELLANEOUS GRANTS		
560	Grant to the "Association Des Mediciens de Langue Francaise De L'Amerique du Nord"	5,000 00	1,608,440 00

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	POST OFFICE		
561	Departmental Administration—Further amount required.....	16,800 00	
562	Post Offices, including salaries and other expenses, Headquarters and Staff Post Offices, and supplies and equipment for Revenue Post Offices—Further amount required.....	335,000 00	
563	Inspection and Investigation—Further amount required.....	8,000 00	
564	Railway Mail Service—Further amount required.....	34,000 00	
565	Air and Land Mail Services—Further amount required.....	168,000 00	
566	Audit of Revenue, Money Order, Postal Note and Savings Bank Business; Issue of Postage Stamps and Postal Notes—Further amount required.....	17,000 00	
	PENSIONS AND OTHER BENEFITS		
567	Payment to the widow of the late Lorne C. Pethick, a former employee of the Orillia Post Office.....	1,000 00	579,800 00
	PUBLIC ARCHIVES		
568	General Administration, and to provide, notwithstanding the terms of the Civil Service Act or any other Act or Law, for payment of an honorarium of \$1,000 to J. F. Kenney as a recognition of his services as Acting Dominion Architect—Further amount required.....		4,000 00
	PUBLIC PRINTING AND STATIONERY		
569	Plant—Repairs and Renewals—Further amount required.....		20,000 00
	PUBLIC WORKS		
	CHIEF ARCHITECT'S BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	<i>Nova Scotia</i>		
	Bridgewater Public Building—Addition.....	16,500 00	
	Halifax Rockhead Hospital—Reconditioning and improvements (Revote \$13,500).....	18,700 00	
	Halifax Old Post Office Building—Alterations and improvements.....	32,000 00	
	Louisbourg—Public Building (Revote \$18,800).....	23,000 00	
570	Mulgrave—Public Building (Revote \$24,300).....	28,000 00	
	Port Hawkesbury—Public building.....	22,500 00	
	Springhill Public Building—Alterations and improvements (Revote \$3,500).....	13,500 00	
	Stewiacke—Public Building (Revote \$14,300).....	18,000 00	
	Trenton—Public Building (Revote).....	4,000 00	
	Wolfville—Purchase of property adjacent to public building (Revote).....	1,500 00	
	<i>Prince Edward Island</i>		
571	Charlottetown Public Building—Addition and alterations.....	6,500 00	
	<i>New Brunswick</i>		
	Bathurst Public Building—Addition and alterations.....	15,000 00	
	Fairville—Purchase of property adjoining public building.....	3,500 00	
	Minto—Public building (Revote).....	21,000 00	
572	North Head—Public building (Revote \$29,900).....	31,000 00	
	Rogersville—Public building (Revote \$9,800).....	13,000 00	
	St. Leonard—Public building.....	15,000 00	
	St. Stephen—Building for Customs and Immigration purposes (Revote).....	21,000 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	PUBLIC BUILDINGS—Continued				
	Quebec				
	Amos—Public Building (Revote \$48,000).....	50,000	00		
	Drummondville Public Building—Addition and alterations....	7,000	00		
	Hull—Armoury (Revote \$83,500).....	260,000	00		
	L'Assomption—Public Building (Revote).....	24,000	00		
	Lennoxville—Public building.....	25,000	00		
	Louiseville—Public Building—Addition, alterations and im- provements.....	10,000	00		
	Montreal, Craig St. Drill Hall—Improvements and repairs.....	75,000	00		
	Montreal—Old Examining Warehouse—Improvements, alter- ations and repairs (Revote \$21,500).....	25,000	00		
	Montreal Public Building—Addition and alterations (Revote)	10,000	00		
	Mont Joli—Public building.....	25,000	00		
	North Hatley—Public Building (Revote \$10,900).....	13,500	00		
	Perce—Public building (Revote \$9,100).....	15,500	00		
	Pointe Claire—Public building (Revote \$22,800).....	25,000	00		
	Pointe au Pic—Public building (Revote).....	28,000	00		
	Quebec—Postal Terminal Building (Revote).....	300,000	00		
	Quebec Quarantine Facilities—Improvements.....	12,000	00		
573	Quebec West—Public building (Revote).....	12,500	00		
	Rigaud—Moving public building.....	20,000	00		
	Rock Island Customs and Immigration Building—Addition to site.....	17,000	00		
	Rosemount—Public building.....	25,000	00		
	St. Andrews East—Public building (Revote \$12,000).....	16,500	00		
	Ste. Anne de Beaupre—Public building (Revote).....	3,000	00		
	Ste. Anne de la Pocatiere Public Building—Alterations, im- provements and repairs (Revote \$2,000).....	4,000	00		
	St. Charles de Bellechasse—Public Building (Revote \$5,000)...	5,500	00		
	St. George de Beauce—Public Building.....	29,000	00		
	St. Johns—Customs Building (Revote \$31,000).....	53,000	00		
	St. Pacome—Public Building.....	12,500	00		
	St. Raymond—Public building.....	15,000	00		
	St. Scholastique—Public Building.....	18,000	00		
	Scotstown—Public Building (Revote \$13,000).....	23,000	00		
	Temiskaming—Public Building (Revote \$13,000).....	13,500	00		
	Thetford Mines—Public Building.....	60,000	00		
	Thurso—Public Building.....	15,000	00		
	Ville Marie Public Building—Repairs and alterations.....	3,000	00		
	Ontario				
	Amherstburg Public Building—Improvements and alterations.	6,100	00		
	Arthur—Public Building (Revote \$500).....	4,000	00		
	Barry's Bay—Public Building.....	15,000	00		
	Beaverton—Public Building.....	15,000	00		
	Blind River—Public Building.....	20,000	00		
	Bobcaygeon—Public Building (Revote \$2,000).....	8,500	00		
	Brighton—Public Building.....	15,000	00		
	Clinton—Public Building—Addition.....	15,000	00		
	Cobden—Public Building.....	15,000	00		
574	Cobourg Public Building—Addition and alterations (Revote \$500).....	5,500	00		
	Cornwall—Armoury (Revote \$87,000).....	246,000	00		
	Dryden—Public Building.....	15,000	00		
	Forest—Public Building.....	15,000	00		
	Galt—Old Post Office Building—Addition, alterations and improvements.....	17,000	00		
	Havelock—Public Building (Revote \$2,500).....	5,500	00		
	Kapuskasing—Public Building.....	25,000	00		
	Lindsay Public Building—Alterations and improvements.....	6,500	00		
	Lucknow—Public Building (Revote \$13,200).....	18,000	00		
	Nipigon—Public Building (Revote \$1,500).....	4,000	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	PUBLIC BUILDINGS—Continued				
	Ontario—Concluded				
	Ottawa Postal Terminal Building—Improvements to ventilating system.....	2,500	00		
	Ottawa—Building for Supreme Court (Revote \$250,000).....	500,000	00		
	Ottawa—Buildings for Department of Mines and Resources (Revote \$174,000).....	219,000	00		
	Ottawa Central Heating Plant—Repairs and replacements....	9,700	00		
	Ottawa—Improvements to Plaza (Revote \$248,000).....	350,000	00		
	Ottawa—Parliament Building.....	50,000	00		
	Ottawa Parliament Hill—Sidewalks and roadways.....	20,000	00		
	Ottawa Post Office—Removal and replacement, inclusive of site (Revote \$8,000)—(Estimated cost \$750,000).....	500,000	00		
574	Ottawa—Record Storage Building (Revote \$136,550).....	300,000	00		
	Oakville—Public Building (Revote \$24,500).....	27,000	00		
	St. Thomas Public Building—Fittings, alterations and repairs..	5,000	00		
	Sioux Lookout—Public building (Revote \$9,300).....	13,000	00		
	Stirling—Public Building.....	15,000	00		
	Tara—Public Building.....	15,000	00		
	Toronto—Additional postal accommodation (estimated cost, \$1,715,000).....	150,000	00		
	Toronto Postal Station "F"—Alterations and improvements (Revote).....	15,000	00		
	Tweed—Public Building (Revote \$12,000).....	18,000	00		
	Vankleek Hill—Public Building (Revote \$1,000).....	3,500	00		
	Manitoba				
	Birtle—Public Building.....	15,000	00		
	Carberry—Public Building.....	15,000	00		
	Gilbert Plains—Public Building.....	15,000	00		
	Gimli—Public Building.....	13,500	00		
	Manitou—Public Building.....	15,000	00		
575	Morris—Public Building (Revote \$3,500).....	11,000	00		
	St. James—Public Building.....	15,000	00		
	St. Vital—Public Building (Revote \$14,400).....	16,000	00		
	Winkler—Public Building (Revote \$10,800).....	17,000	00		
	Winnipeg Immigration Building—Improvements to heating....	6,000	00		
	Saskatchewan				
	Biggar—Public Building.....	20,000	00		
	Broadview—Purchase of and alterations to building for Armoury purposes.....	4,200	00		
	Foam Lake—Public Building (Revote \$8,500).....	27,500	00		
	Meadow Lake—Public Building (Revote \$14,000).....	29,500	00		
576	Moose Jaw Armoury—Reconstruction.....	18,000	00		
	Sintaluta—Purchase of Building for Postal purposes.....	3,500	00		
	Star City—Purchase of Building for Postal purposes.....	3,000	00		
	Wadena—Public Building (Revote \$10,400).....	24,500	00		
	Wynyard—Public Building.....	15,000	00		
	Yorkton—Public Building.....	35,000	00		
	Alberta				
577	Cardston—Public Building (Revote).....	5,000	00		
	Jasper—Public Building.....	20,000	00		
	St. Paul—Public Building (Revote \$12,000).....	20,000	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	PUBLIC BUILDINGS—Concluded				
	<i>British Columbia</i>				
	Armstrong—Public Building.....	15,000	00		
	Esquimalt—H.M.C. Dockyard Office Building (Revote \$8,000)	16,000	00		
	Kamloops—Entomological Laboratory for Department of Health.....	6,000	00		
578	New Westminster Public Building—Addition (Revote \$100,000)	185,000	00		
	Prince George—Public Building.....	25,000	00		
	Salmon Arm—Purchase of Building for National Defence.....	1,650	00		
	Vancouver Examining Warehouse and Winch Building—Alterations, improvements and repairs.....	19,000	00		
	Victoria Public Building—Improvements and repairs.....	11,000	00		
	<i>Generally</i>				
579	Public Buildings Generally—Repairs, alterations, fittings and improvements.....	200,000	00		
580	Tractors for Postal purposes.....	12,200	00		
	CHIEF ENGINEER'S BRANCH				
	<i>Special</i>				
	Construction, Repairs and Improvements—Harbours and Rivers				
	<i>Nova Scotia</i>				
	Abbott's Harbour—Wharf.....	7,100	00		
	Battery Point (Victoria Beach)—Breakwater extension.....	7,000	00		
	Baxter's Harbour—Breakwater extension.....	7,000	00		
	Bear River—Dredging.....	20,500	00		
	Bridgewater—Dredging.....	4,800	00		
	Broad Cove Marsh—Breakwater repairs.....	10,000	00		
	Brooklyn—Breakwater repairs and improvements (Revote)—(Estimated cost \$165,000).....	75,000	00		
	Cape St. Mary's—Breakwater reconstruction (Revote \$1,000) ..	15,000	00		
	Caribou Harbour—Improvements.....	100,000	00		
	Carleton Village—Breakwater.....	5,500	00		
	Comeauville—Breakwater.....	18,500	00		
	Cribbin's Point—Dredging.....	16,000	00		
	Dartmouth—Wharf repairs.....	9,600	00		
	Dayspring—Wharf.....	5,500	00		
	Digby—Dredging.....	29,000	00		
	Dingwall—Harbour improvements (Estimated cost \$315,000) ..	90,000	00		
581	East River—Dredging.....	10,400	00		
	Estmere—Wharf.....	3,400	00		
	Fourchu—Wharf reconstruction.....	8,700	00		
	Fourchu—Dredging (Revote \$9,400).....	27,300	00		
	Framboise—Breakwater extension.....	4,500	00		
	Hantsport—Wharf extension.....	4,300	00		
	Johns Island—Breakwater—Wharf.....	7,000	00		
	Johnstown (North Pond)—Wharf.....	6,400	00		
	La Pointe (Cheticamp Point)—Wharf repairs.....	10,800	00		
	La Have—Dredging.....	4,500	00		
	L'Archeveque—Breakwater.....	9,400	00		
	Larry's River—Dredging.....	34,000	00		
	Lloyd's Cove—Breakwater extension.....	7,400	00		
	Liverpool—Dredging.....	20,000	00		
	Louis Head—Breakwater (Revote \$1,800).....	3,200	00		
	Lunenburg—Dredging.....	14,000	00		
	Mabou Bridge—Dredging.....	14,500	00		
	Margaree Harbour—Repairs to pier.....	8,000	00		
	Margaree Island—Extension to wharf and pier.....	10,700	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	<i>Special—Continued</i>				
	HARBOURS AND RIVERS—Continued				
	<i>Nova Scotia—Concluded</i>				
	Meat Cove—Wharf replacement.....	6,000	00		
	Meteghan—Breakwater repairs.....	5,000	00		
	Middle Island—Breakwater and skidway.....	7,000	00		
	Middle Point Cove—Breakwater (Revote).....	3,200	00		
	Mill Cove—Breakwater extension.....	30,000	00		
	Mulgrave (Pirate Harbour)—To purchase and repair wharf.....	4,600	00		
	North West Cove (Tancook)—Breakwater extension.....	13,000	00		
	Pictou Island—Breakwater.....	20,500	00		
	Pictou Landing—Harbour improvements (Revote \$1,600).....	25,700	00		
	Poirierville—Wharf extension.....	11,000	00		
	Port Hood—Closing Northern entrance (Revote \$6,500).....	48,200	00		
	Port Maitland—Harbour improvements.....	45,000	00		
	Portuguese Cove—Breakwater repairs.....	8,800	00		
581	Pugwash—Warehouse.....	5,000	00		
	Rockdale—Breakwater extension.....	7,600	00		
	St. Mary's River—Dredging.....	48,200	00		
	Seal Island West—Breakwater repairs.....	6,000	00		
	Ship Harbour—Wharf extension.....	5,500	00		
	Skinner's Cove—Partial reconstruction of pier (Revote).....	11,000	00		
	Sydney—Warehouse (Revote \$41,500).....	65,000	00		
	Tibbo's Cove—Breakwater.....	5,600	00		
	Walker's Cove—Harbour improvements.....	11,300	00		
	West Advocate—Improvements.....	3,300	00		
	Westport (South)—Breakwater (Revote).....	3,100	00		
	Westmount (North)—Wharf extension.....	4,900	00		
	Weymouth—To purchase and reconstruct wharf.....	15,500	00		
	Windsor—Contribution towards protection work.....	2,055	00		
	<i>Prince Edward Island</i>				
	Basin Head—Boat harbour (Revote).....	12,500	00		
	Belfast—Wharf repairs.....	6,000	00		
	Belle River Harbour—Breakwater extension.....	5,500	00		
582	Boughton Island—Wharf.....	6,300	00		
	Canoe Cove—Breakwater.....	14,800	00		
	Malpeque (Kier's Shore)—Wharf repairs.....	6,000	00		
	Mont Carmel—Breakwater extension.....	3,600	00		
	Summerside—To take over and reconstruct Queen's wharf.....	16,500	00		
	Wood Islands—Harbour (Revote).....	150,000	00		
	<i>New Brunswick</i>				
	Bathurst—Wharf (Estimated cost \$109,000).....	60,000	00		
	Black's Harbour—Wharf extension (Revote \$2,000).....	30,000	00		
	Botsford—Breakwater (Estimated cost \$30,000).....	15,000	00		
	Buctouche—Wharf repairs.....	35,000	00		
	Campbellton—Wharf improvements and repairs.....	67,700	00		
	Caraquet (Young Wharf)—Extension (Revote \$14,500).....	20,000	00		
	Caraquet (Young Wharf)—Dredging.....	15,000	00		
	Chockfish—Repairs to breakwaters (Revote \$15,000).....	30,000	00		
	Colwell's—Wharf repairs.....	3,000	00		
583	Dipper Harbour—Dredging.....	5,000	00		
	Durham—Wharf repairs.....	5,000	00		
	Inner Wood Island—Wharf repairs and extension (Revote \$3,800).....	4,000	00		
	Kennebecasis Ferry Landings—Repairs.....	23,000	00		
	Lameque—Wharf repairs (Revote \$15,000).....	31,000	00		
	Middle Caraquet—Dredging.....	7,500	00		
	Miramichi Bay—Dredging.....	75,500	00		
	Miscou—Wharf repairs (Estimated cost, \$40,000).....	20,000	00		
	McLean's Gully (Baie Ste. Anne)—Dredging.....	4,800	00		
	Pointe du Chene—Repairs and improvements to wharfs.....	48,000	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>Special—Continued</i>		
	HARBOURS AND RIVERS—Continued		
	<i>New Brunswick—Concluded</i>		
	Point Sapin—Pier (Revote \$13,600).....	30,000 00	
	Richibucto Harbour—Dredging (Revote \$8,300).....	9,500 00	
	Richibucto (Forbes Wharf)—Improvements.....	5,000 00	
	Richibucto Beach—Breakwater repairs and breastworks.....	5,000 00	
	Richibucto Cape—Breakwater repairs.....	5,000 00	
	Rothsay—Wharf repairs.....	10,000 00	
	Shippigan Gully—Repairs to breakwater and breastworks (Revote \$25,000).....	33,000 00	
583	St. Andrews—Dredging.....	28,500 00	
	St. John Harbour—Repairs to wharfs and low water landing at Partridge Island.....	5,000 00	
	St. Simon—Dredging.....	12,000 00	
	Tabusintac—Wharf extension and dredging.....	7,700 00	
	Tracadie Harbour—Dredging (Revote \$13,400).....	40,000 00	
	Victoria Bridge—Wharf.....	11,000 00	
	White's Bluff—Wharf repairs.....	5,000 00	
	White Head Island, Grand Manan—Dredging.....	19,000 00	
	<i>Quebec</i>		
	Anse au Beaufils—Harbour improvements.....	13,500 00	
	Anse au Griffon—Extension to breastwork.....	6,000 00	
	Bagotville—Wharf repairs (Revote).....	14,800 00	
	Baie St. Paul—Protection work extension (Revote \$8,700).....	15,000 00	
	Beloeil—Protection work.....	6,500 00	
	Beauport—Completion of training wall.....	5,200 00	
	Bergeronnes (Point a John)—Wharf (Revote \$4,800).....	5,000 00	
	Berthier (Chenal du Nord)—Dredging.....	20,000 00	
	Berthierville—Protection wall and icebreaker.....	36,400 00	
	Black Cape (Howatson's Point)—Wharf extension (Estimated cost \$70,000).....	40,000 00	
	Bonaventure—Rebuilding protection work.....	13,100 00	
	Bromptonville—Protection work.....	22,000 00	
	Cap aux Meules—Wharf repairs and improvements (Revote \$21,000).....	31,200 00	
	Cap Chat—Deepwater wharf (Revote \$5,000) (Estimated cost \$101,000).....	20,000 00	
	Carleton—Wharf repairs.....	10,500 00	
	Chateauguay River—Dredging (Revote).....	4,800 00	
	Chenal du Moine—Dredging.....	5,700 00	
584	Contrecoeur—Protection wall (Revote \$4,500).....	27,000 00	
	Colonie des Greves—Protection work.....	3,900 00	
	Drummondville—Protection work extension.....	15,000 00	
	Escuminac—Protection work.....	6,100 00	
	Farnham—Protection wall.....	7,700 00	
	Granby—Protection work extension.....	10,000 00	
	Grand Metis—Wharf and dredging.....	18,000 00	
	Grande Entree, M.I.—Wharf reconstruction (Revote \$10,400).....	11,500 00	
	Grand Entree (West Point), M.I.—Breastwork extension.....	6,000 00	
	Grande Riviere—Rebuilding wharf (Revote \$46,100).....	50,000 00	
	Greenlay—Protection wall.....	20,600 00	
	Grande Vallee—Reconstruction of jetty.....	11,400 00	
	Gros Cap, M.I.—Wharf extension.....	3,600 00	
	Hamilton Cove (Riviere Portneuf)—Wharf (Revote).....	4,500 00	
	Harrington—Wharf extension (Estimated cost \$70,000).....	20,000 00	
	Hull—Protection work.....	27,000 00	
	Isle Verte—Wharf extension and improvements.....	6,300 00	
	Lac Duparquet—Wharf (Revote).....	1,500 00	
	Lacolle River—Dredging, the Provincial Government to contribute a like amount (Revote \$14,600).....	16,100 00	
	Laprairie—Protection wall (Revote).....	9,000 00	
	L'Anse a Brillant—Fishing Harbour (Revote \$26,575).....	31,000 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	Special—Continued				
	HARBOURS AND RIVERS—Continued				
	Quebec—Continued				
	Little Montreal River—Contribution towards dredging, the balance of cost to be borne by the Province.....	3,000	00		
	Little River St. Lambert—To complete contribution towards dredging, the balance of the cost to be borne by the Province (Revote).....	1,700	00		
	Lorne Dry Dock—New Power House—Pump House equipment and machine shop (Revote) (Estimated cost \$205,000)....	125,000	00		
	Magog—Protection work.....	16,000	00		
	Maniwaki (Riviere Desert)—Protection work.....	5,000	00		
	Matane—Harbour improvements (Estimated cost \$86,000)....	40,000	00		
	Montcerf (Riviere Desert)—Protection wall.....	3,000	00		
	New Carlisle (Marsh Creek)—Fishing harbour.....	37,000	00		
	Newport—Wharf.....	10,000	00		
	New Richmond—Protection work.....	6,000	00		
	Nicolet—Protection wall.....	5,000	00		
	Notre Dame de Pierreville—Protection work.....	20,600	00		
	Old Harry, M.I.—Breakwater.....	8,000	00		
	Parent—Landing.....	1,900	00		
	Paspebiac—Wharf repairs.....	13,800	00		
	Peribonka—Wharf (Revote).....	5,900	00		
	Petit Gaspe—Wharf (Revote).....	7,300	00		
	Petite Riviere Est—Construction of fishing harbour (Revote).....	5,700	00		
	Pointe aux Anglais—Breakwater.....	16,600	00		
	Pointe aux Trembles—Protection work.....	50,000	00		
	Pointe Fortune—Icebreakers.....	6,200	00		
	Pointe Jaune—Improvements to fishing harbour.....	23,000	00		
	Pointe Lebel—Wharf (Revote) (Estimated cost \$25,000)....	12,000	00		
	Port au Saumon—Wharf reconstruction (Revote).....	9,500	00		
584	Rageneau—Wharf (Estimated cost \$29,600).....	15,000	00		
	Richelieu River—Improvements (Revote).....	400,000	00		
	Riviere du Loup, En Bas—Wharf.....	40,000	00		
	Riviere du Loup, En Haut—Dredging.....	10,000	00		
	Rimouski—Harbour improvements (Revote \$42,000)—(Estimated cost \$319,900).....	200,000	00		
	Riviere au Renard—Fishing harbour—(Estimated cost \$60,000)	25,000	00		
	Riviere des Hurons—Contribution towards dredging, the balance of cost to be borne by Province (Revote).....	70,000	00		
	Riviere Ouelle—Extension of Village Wharf.....	9,400	00		
	Riviere St. John—Protection wall.....	9,000	00		
	Riviere Whalen—Fishing harbour—(Estimated cost \$46,500)...	20,000	00		
	Ruisseau Boudrias—Dredging.....	3,500	00		
	Ruisseau Chapados (Gascons)—Fishing harbour (Revote \$2,100).....	23,100	00		
	Ruisseau du Marais—Contribution towards dredging, the balance of cost to be borne by the Province.....	6,000	00		
	Ruisseau Masse—Dredging—The Provincial Government to contribute a like amount.....	15,000	00		
	Ruisseau Pariseau—Contribution towards dredging, the balance of cost to be borne by the Province (Revote).....	13,500	00		
	St. Andre de Kamouraska—Headblock (Revote).....	12,200	00		
	Ste. Anne de Bellevue—Dredging.....	17,500	00		
	St. Antoine de Richelieu—Improvements to protection wall....	5,000	00		
	St. Charles—Protection work.....	4,900	00		
	St. Charles de Caplan—Wharf extension (Revote).....	23,000	00		
	St. Denis—Protection work.....	5,000	00		
	Ste. Emelie—Wharf reconstruction.....	44,000	00		
	St. Francois de Sales—Protection wall.....	4,800	00		
	St. Hilaire (Parish)—Protection wall.....	2,300	00		
	St. Ignace de Loyola—Protection wall (Revote).....	12,500	00		
	St. Jerome—Protection work.....	27,000	00		
	St. Joseph de Soulanges—Protection work.....	7,500	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	<i>Special—Continued</i>				
	HARBOURS AND RIVERS—Continued				
	<i>Quebec—Concluded</i>				
	St. Laurent, I.O.—Wharf reconstruction.....	20,000	00		
	St. Marc—Protection work.....	4,900	00		
	St. Maurice de l'Echourie—Wharf repairs and improvements...	15,000	00		
	St. Omer—Harbour improvements.....	14,000	00		
	St. Paul (Ile aux Noix)—Improvements (Revote \$1,100).....	4,000	00		
	St. Roch des Aulnaies—Wharf repairs.....	13,000	00		
	St. Romauld—Protection work extension.....	22,500	00		
	St. Simeon—Extension to protection work.....	12,000	00		
	St. Zotique—Protection wall.....	4,950	00		
584	Saguenay River—Dredging.....	46,000	00		
	Sacre Coeur—Wharf extension.....	4,500	00		
	Sault au Mouton—Channel (Revote \$13,100).....	15,700	00		
	Senneterre (Louvicourt)—Wharf and shed.....	1,700	00		
	Sorel—Harbour improvements (Revote \$94,200).....	200,000	00		
	Terrebonne—Protection wall extension.....	15,000	00		
	Varennes—Protection walls.....	22,600	00		
	Vercheres—Wharf reconstruction.....	15,000	00		
	Vercheres—Protection work.....	10,000	00		
	Yamaska River—Removal of dam and settlement of claims for land damages.....	5,000	00		
	<i>Ontario</i>				
	Bayfield—Training wall.....	12,300	00		
	Bracebridge—Breakwater extension.....	5,000	00		
	Burlington Channel—Reconstruction of pier.....	37,500	00		
	Byng Inlet—Dredging.....	52,300	00		
	Callander—Wharf extension.....	27,000	00		
	Dault's Bay—Wharf.....	8,000	00		
	Deseronto—Removal of old piers.....	3,400	00		
	Elgin House—Wharf.....	9,200	00		
	Fort Frances—Protection work.....	9,300	00		
	Fort William—Dredging (Revote).....	9,600	00		
	Fort William (Chippewa Park)—Wharf extension.....	13,500	00		
	Goderich—Harbour improvements (Estimated cost \$91,296)...	50,000	00		
	Gore Bay—Wharf repairs (Revote \$13,500).....	19,400	00		
	Grand River—Contribution to improvements.....	300,000	00		
	Hamilton—Harbour improvements (Revote \$112,000).....	300,000	00		
	Haliburton—Wharf.....	4,200	00		
585	Heron Bay—Harbour improvements—The balance of cost to be borne by The Ontario Paper Co. Ltd.....	25,000	00		
	Howdenvale—Wharf.....	7,500	00		
	Innisfil Park (Lake Simcoe)—Wharf.....	3,700	00		
	Jersey River—Improvements to channel.....	10,000	00		
	Kashabowie—Wharf.....	1,925	00		
	Kenora (Laurenson's Creek)—Improvements (Revote \$3,000)...	13,000	00		
	Kincardine—Harbour improvements.....	26,000	00		
	Kingston—Mooring wharf.....	38,500	00		
	Leamington—Harbour improvements (Revote \$85,000) (Esti- mated cost \$222,500).....	100,000	00		
	Lion's Head—Wharf reconstruction and addition to site.....	5,200	00		
	Little Current—Dredging west channel (Revote \$4,800).....	51,500	00		
	Little Current—Wharf extension.....	9,200	00		
	Mactier—Dock.....	2,000	00		
	Midland, Monument Channel—Dredging (Revote \$13,300).....	14,000	00		
	Nation River—Dredging—The Provincial Government to contribute (Revote \$12,800).....	60,000	00		
	Oshawa—Harbour improvements (Estimated cost \$112,000)...	50,000	00		
	Parry Sound—Dredging.....	12,000	00		
	Peelee Island—North wharf reconstruction (Revote \$24,800)....	65,000	00		
	Penetanguishene—Dredging.....	24,000	00		

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>Special—Continued</i>		
	HARBOURS AND RIVERS—Continued		
	<i>Ontario—Concluded</i>		
	Peterborough—Wharf (Revote).....	6,600 00	
	Port Arthur—Harbour improvements (Revote \$60,000).....	155,000 00	
	Port Dover—Reconstruction of pier.....	25,000 00	
	Port Hope—Harbour repairs and improvements.....	63,000 00	
	Port Stanley—Harbour repairs and improvements (Revote \$88,000).....	95,000 00	
	Presqu'Île Point—Wharf and dredging.....	26,000 00	
	Sarnia—Harbour improvements (Revote).....	8,700 00	
	Sault Ste. Marie—Dredging (Revote \$20,000).....	36,000 00	
	Thames River (Chatham)—Dredging (Revote \$3,400).....	16,100 00	
	Thames River Mouth—Dredging.....	23,200 00	
585	Thornbury—Wharf reconstruction.....	11,500 00	
	Toronto—In full and final settlement of the claim of The Russell Construction Co. in connection with the contract for har- bour headwall awarded in 1935.....	14,833 57	
	Toronto—Harbour improvements.....	300,000 00	
	Vail's Point—Wharf extension.....	3,600 00	
	Wabigoon—Wharf extension.....	3,100 00	
	Walpole Island—Wharf.....	5,500 00	
	Wallaceburg—Reconstruction of protection wall.....	1,800 00	
	Waubushene—Breakwater and float.....	5,000 00	
	Whitby—Dredging.....	8,000 00	
	Windsor—Wharf extension and repairs (Revote \$2,900).....	15,500 00	
	<i>Manitoba</i>		
586	Assiniboine River—Dyking and repairing present dykes.....	20,000 00	
	Victoria Beach—Breakwater-wharf improvements.....	10,500 00	
	Winnipeg—Wharf extension and dredging.....	13,200 00	
	<i>Saskatchewan</i>		
587	Île à la Crosse—Wharf (Revote \$10,800).....	11,000 00	
	Beaver and Cowan Rivers—Improvements.....	4,000 00	
	Waskesiu Lake—Dredging (Revote \$9,400).....	12,000 00	
	<i>Alberta</i>		
588	Blairmore—Improvements.....	11,400 00	
	Pigeon Lake—Wharf.....	4,000 00	
	Sylvan Lake—Breakwater wharf (Revote).....	20,000 00	
	Waterways—Extension and repairs to wing dam.....	10,500 00	
	<i>Northwest Territories</i>		
589	Fort Smith—Repairs and improvements to wharf and protection wall (Revote).....	4,500 00	
	<i>British Columbia</i>		
590	Arrow Lakes—Reconstruction of the pile driver hull.....	4,500 00	
	Canoe—Wharf reconstruction.....	6,400 00	
	Courtenay River—Dredging.....	10,500 00	
	Columbia River Narrows—Dredging.....	9,500 00	
	Denman Island—Breakwater extension.....	15,500 00	
	Digby Island—Wharf repairs and improvements (Revote \$20,000).....	33,000 00	
	Fauquier's—Wharf renewals and repairs.....	4,500 00	
	Fraser River—Contribution towards protection work at Matsqui	2,335 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>Special—Concluded</i>		
	HARBOURS AND RIVERS—Concluded		
	<i>British Columbia—Concluded</i>		
	Fraser River—Improvements (Revote).....	70,000 00	
	Fraser River (North Arm)—Improvements to jetty.....	34,000 00	
	Fraser River (Lulu Island)—Protection work (Revote \$12,000).....	20,000 00	
	Harrison River—Dredging.....	16,800 00	
	Harrison Lake—Wharf repairs and improvements.....	4,500 00	
	McIvor's Landing—Float and approach.....	3,100 00	
	New Westminster—Fisheries Station (Revote \$22,100).....	30,000 00	
	Nanaimo—Improvements to assembly wharf.....	8,000 00	
590	Nicomen Island—Protection work.....	7,000 00	
	Nitinat Lake—Dredging.....	6,700 00	
	Old Massett—Wharf extension and repairs.....	5,700 00	
	Powell River—Dredging.....	16,800 00	
	Sayward—Wharf extension.....	9,100 00	
	Union Bay—Harbour improvements.....	9,500 00	
	Vancouver—Stanley Park—Foreshore protection.....	8,000 00	
	Victoria—Floats.....	6,900 00	
	William Head (Quarantine Station)—Repairs to wharf and breakwater (Revote).....	17,100 00	
	<i>Generally</i>		
591	Improvements, maintenance of services, repairs and additions..	500,000 00	
592	Surveys and inspections in connection with above mentioned works.....	35,000 00	
593	Protection works generally.....	500,000 00	
	ROADS AND BRIDGES		
594	Kingston—La Salle Causeway—Improvements (Revote \$6,500)	7,000 00	
595	Interprovincial bridge over the Missaguash River, the New Brunswick and Nova Scotia Governments each to contribute one-third of the cost and to pay annually one-third of the maintenance costs.....	20,000 00	
596	Interprovincial bridge, Campbellton, N.B., to Cross Point, Que., the Provinces of New Brunswick and Quebec each to pay one-third of the cost and maintenance thereof.....	100,000 00	
	TELEGRAPH BRANCH		
	Construction, Repairs and Improvements—Telegraph and Telephone Services—		
	<i>Nova Scotia</i>		
597	Installation of additional telephone equipment for the cable between Prince Edward Island and Nova Scotia.....	5,500 00	
	<i>Saskatchewan and Alberta</i>		
598	Telephone line from Ile a la Crosse to Buffalo Narrows.....	10,000 00	
	<i>British Columbia</i>		
	Telephone line between Francois Lake and Colleymount.....	3,800 00	
	Landry District telephone line.....	900 00	
	Bessborough telephone line.....	900 00	
599	Telephone line from Lone Butte to Bridge Lake.....	1,400 00	
	Upper Dog Creek telephone line.....	1,200 00	
	Telephone line from Chilco Ranch to Big Creek Area.....	3,500 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Concluded		
	GENERALLY		
600	To authorize, subject to the approval of the Governor in Council, appointment of such extra temporary officers, clerks and employees as may be necessary to carry out the purpose of any item in these Supplementary Estimates, payment therefor to be made from the particular item with respect to which such extra assistance is required or from this item.	90,000 00	
601	To provide for balance required to complete any projects already undertaken, no new works to be undertaken.....	200,000 00	13,731,548 57
	ROYAL CANADIAN MOUNTED POLICE		
602	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required.....	23,000 00	
603	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required.....	18,500 00	
604	To provide a pension on compassionate grounds to Basil Burke Currie, effective June 1, 1937.....	1,254 37	42,754 37
	SECRETARY OF STATE		
605	Companies Branch—Further amount required.....	6,800 00	
606	Bureau for Translations—Further amount required.....	8,460 00	
607	Adjustment of War Claims.....	12,000 00	
	PATENT AND COPYRIGHT OFFICE		
608	Patent Division—Further amount required.....	2,160 00	29,420 00
	TRADE AND COMMERCE		
609	Exhibitions and Fairs—Further amount required.....	90,000 00	
610	Publicity and Advertising in Canada and abroad other than in the United Kingdom and Europe—Further amount required.....	20,000 00	
611	Dominion Bureau of Statistics—Administration—Further amount required.....	25,000 00	
612	Statistics—Further amount required.....	5,000 00	
613	Census of Population—Further amount required.....	25,795 00	
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
	<i>Atlantic Ocean</i>		
614	Canada and South Africa, service between—Further amount required.....	4,166 67	
	<i>Pacific Ocean</i>		
615	Prince Rupert, B.C., and Queen Charlotte Islands, service between—Further amount required.....	2,000 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRADE AND COMMERCE—Concluded		
	MAIL SUBSIDIES AND STEAMSHIP SUB- VENTIONS—Concluded		
	<i>Local Services</i>		
	Charlottetown and Pictou, service between—Further amount required.....	5,000 00	
	Halifax, LaHave and LaHave River Ports, service between— Further amount required.....	250 00	
616	Pictou, Souris and the Magdalen Islands, service between— Further amount required.....	2,500 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between—Further amount required.....	500 00	
	NATIONAL RESEARCH COUNCIL		
617	Grant toward the expenses of a meeting of the British Society of Chemical Industry to be held in Canada in June, 1938...	2,000 00	182,211 67
	TRANSPORT		
	AIR SERVICE		
	<i>Civil Aviation Division</i>		
618	Airways and Airports—Operation and Maintenance including lighting, radio and meteorological services—Further amount required.....	50,000 00	
	<i>Special</i>		
619	Airways and Airports—Construction and improvements in- cluding lighting and radio facilities (Capital)—Further amount required.....	800,000 00	
620	To provide for assisting municipalities to improve existing airports or provide new airports—Further amount required	500,000 00	
	<i>Radio Division</i>		
621	Administration of the Radio-telegraph Act and Regulations— Further amount required.....	2,760 00	
622	Suppression of local electrical interferences—Further amount required.....	22,100 00	
623	Issue of radio receiving licences (Transport Department only)— Further amount required.....	12,865 00	
	CANALS SERVICE		
	<i>Special</i>		
624	Canals, improvements, including the proposed Highway Tunnel under the Lachine Canal at Cote St. Paul—Further amount required (Revote \$49,550).....	1,003,050 00	
	MARINE SERVICE		
	<i>Nautical Services—</i>		
625	Marine Service Steamers, including Icebreakers, maintenance, operation, and repairs—Further amount required.....	39,000 00	
626	Miscellaneous services relating to navigation and shipping, including provision to settle outstanding claims by the Imperial Board of Trade, London, England, for expenses incurred in respect of Canadian Distressed Seamen of British ships registered out of Canada and to provide for any future claims on account of Canadian Distressed Sea- men of such British ships which may arise in future— Further amount required.....	6,720 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—Continued		
	MARINE SERVICE—Concluded		
627	Administration of Pilotage, including provision for legal advice and representation for members of Pilotage Committees in deciding matters in dispute which may arise from time to time—Further amount required.....	1,000 00	
628	Steamboat Inspection and the carrying out of the provisions of the Conventions for the Safety of Life at Sea and Load Lines—Further amount required.....	15,000 00	
	RAILWAY SERVICE		
629	To provide for the discharge of commitments incurred prior to March 31, 1938, under the authority of Vote No. 357, Schedule "B" to the Appropriation Act No. 3, 1937, respecting highway crossings of railways (Revote).....	1,641,319 42	
	Special		
630	Amount to be applied towards the actual cost of construction work for the protection, safety and convenience of the Public in respect of highway crossings of railways as the Governor in Council may from time to time determine....	1,000,000 00	
631	To provide for contribution to cost of railway projects now needed but which have been deferred under present conditions.....	850,000 00	
	PENSIONS AND OTHER BENEFITS		
632	Compassionate allowance for the benefit of Jean Paul Sampson, dependent son of the late Edgar Sampson, formerly Chief Engineer of the C.G.S. "Montcalm".....	507 75	61,223,722 10
	GOVERNMENT OWNED ENTERPRISES		
	(Non-Active Accounts)		
	CANADIAN NATIONAL RAILWAY COMPANY		
633	Amount not exceeding \$42,000,000 to be paid from time to time under such conditions as the Minister of Finance may prescribe, to the Canadian National Railway Company (hereinafter called "the National Company") and to be applied by the National Company in payment of the deficit arising in the calendar year 1938, including such supplementary contribution to the Intercolonial and Prince Edward Island Railway Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including such supplementary contribution to the Grand Trunk Railway of Canada Superannuation and Provident Fund as may be necessary to enable payment to be made of monthly allowances under the rules and regulations of the Fund, notwithstanding the limitation contained in section thirteen of chapter sixty-five of the Statutes of Canada, 1874, but not including amounts charged to proprietor's equity of the National Railway system as defined in chapter twenty-two of the Statutes of Canada, 1937—		
	Canadian National Railways, exclusive of Eastern Lines.	39,900,000 00	
	Eastern Lines.....	2,100,000 00	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	GOVERNMENT OWNED ENTERPRISES—Concluded		
	(Non-Active Accounts)		
	PRINCE EDWARD ISLAND CAR FERRY AND TERMINALS		
634	To hereby authorize and provide for the payment from time to time during the fiscal year 1938-39 to the Canadian National Railway Company of the difference between the operating expenses and the revenue from the operation of the Prince Edward Island Car Ferry and Terminals (certified by the auditors of the Canadian National Railway Company to the Minister of Transport as and when required by the said Minister) in the calendar year 1938.....	327,000 00	
	TRANS-CANADA AIR LINES		
635	To hereby authorize and provide for payment from time to time during the fiscal year 1938-39 to Trans-Canada Air Lines, to be applied by the said Trans-Canada Air Lines in payment of the deficit (certified by the Auditor of the said Trans-Canada Air Lines to the Minister of Transport as and when required by the said Minister) resulting from the operations of the said Trans-Canada Air Lines during the calendar year 1938.....	830,000 00	
	NATIONAL HARBOURS BOARD		
636	To provide for payment, to National Harbours Board, of the amounts hereinafter set forth, to be applied in payment of the deficits (after payment of interest due the public but exclusive of interest on Dominion Government Advances and depreciation) arising in the calendar year 1938, in the operation of the following harbours: Quebec.....\$ 35,000 00 Churchill.....126,747 00	161,747 00	
637	Advances to National Harbours Board with interest at a rate to be fixed by the Governor in Council for such period and upon such terms and conditions as the Governor in Council may determine, to be applied in payment of deficits resulting from the operations of the Jacques Cartier Bridge.....	386,967 00	
	<i>Special</i>		
638	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, 1936, to meet reconstruction and capital expenditures in the following Harbours:— Halifax.....\$ 48,000 00 Saint John.....360,000 00 Quebec.....300,000 00	708,000 00	
			105,637,436 10
	LOANS AND INVESTMENTS		
	<i>Special</i>		
	CANADIAN BROADCASTING CORPORATION		
639	Loans to the Canadian Broadcasting Corporation repayable with interest at a rate to be fixed by the Governor in Council on such terms and conditions as the Governor in Council may determine and to be applied in payment of expenditures on the construction, extension or improvement of capital works		

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
	LOANS AND INVESTMENTS—<i>Concluded</i> <i>Special—Concluded</i> CANADIAN BROADCASTING CORPORATION—<i>Concluded</i> of the broadcasting facilities of the Canadian Broadcasting Corporation in Canada. Such loans, with interest, shall be a charge on the revenues of the Canadian Broadcasting Corporation next after the charge imposed under the provisions of Section 17 of the Canadian Broadcasting Act, 1936, and shall not exceed in the whole..... NATIONAL HARBOURS BOARD	\$ cts. 500,000 00	\$ cts.
640	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, 1936, to meet reconstruction and capital expenditures in the following Harbours:— Montreal..... Vancouver.....	296,000 00 76,000 00	872,000 00
	Total.....		106,509,436 10

* Net Total, \$88,757,863.42.

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